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The House of Burgeffes
of Virginia



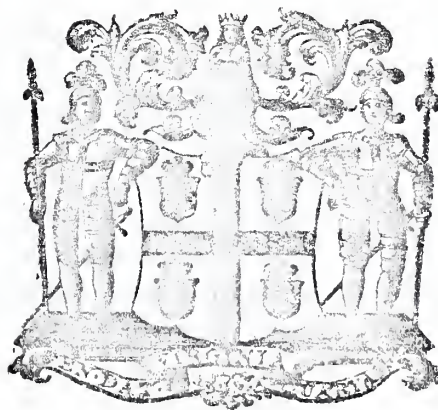
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JOURNALS
of the
HOUSE of BURGESSES
of
VIRGINIA
1619-1658/59

V.1

Edited by
H. R. McILWAINE



RICHMOND, Virginia
MCMXV



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Burgeffes for the Assembly of 1619.

[From the Proceedings of the Assembly. The Christian names have been supplied in several cases from
Alexander Brown's The First Republic in America, p. 314.]

Argall's Gift:	Thomas Pawlett	Lawne's Plan-	
	Edward Gourgaing	tation:	Christopher Lawne
Charles City:	Samuel Sharpe		Ensign Wafher
	Samuel Jordan	Martin's	
Flowerdieu		Brandon:	Thomas Davis
Hundred:	Edmund Roffing-		Robert Stacy
	ham	Martin's	
	John Jefferon	Hundred:	John Boys
Henricus:	Thomas Dowfe		John Jackson
	John Polentine	Captain Warde's	
	[probably Pollington]	Plantation:	John Warde
James City:	William Powell		John Gibbes
	William Spense	Smythes	
	(Spence)	Hundred:	Thomas Graves
Kiccowtan:	William Tucker		Walter Shelley
	William Capp		

* The representatives from this plantation were not allowed to serve.

Burgeffes for the Assembly

of 1623/24.

[From *Alexander Brown's The First Republic in America*, pp. 579, 580.]

From the Incorporation of Charles City.	Neck of Land: Luke Boys
	Thomas Harris
	West & Sherlow Hundred: Isaac Madison
	Richard Biggs
	Jordan's Journey: Nathaniel Caufey
From the Eastern Shore:	Chaplain's Choice: Isaac Chaplain
	Westover: Samuel Sharpe
	John Wilcocks
	Henry Watkins
From the Incorporation of Elizabeth City.	Elizabeth City: William Tacker
	Nicholas Martian (Martieu, Marlier, etc.)
	Elizabeth City beyond Hampton River: Jabez Whitaker
From the Incorporation of Henrico.	Raleigh (Rawley)
	Crafhaw
	College Plantation: Thomas Morlett
	Gabriel Holland
	Jamestown: Wm. Pierce
From the Incorporation of James City.	Clement Dilke
	Richard Stephens
	Edw. Blayney (or Blaine)
	John Southerne
	James Island: Robert Adams
	The Neck of Land: Richard Kingmill
	"Ye Plantation over against James City": Samuel Matthews
	Edward Grindon
	Hog Island: John Utie
	John Chew
	Warraskoyack: John Pollington
	Baffe's Choice: Nathaniel Baffe (or Baffet)

Members of the Convention

of 1625.

[From the *Virginia Magazine of History and Biography*, XV, pp. 362, 363. The first nine names are those of the governor and members of the Council. The list is the same, with a few variations in spelling, as that given on p. 44 of the present volume.]

Sir Francis Wyatt, governor

Sir Fras. West	George Sandys
Samuel Mathewes	Abrah Peirfey
Roger Smyth	Ralphe Hamor
William Claybourne	Wm. Tucker
Nathaniel Balfe	Francis Epes
Thomas Osborne	Richard Kingesmyll
Iffac Chaplyn	Nathaniel Cauffey
Richard Bigges	Fra: Chamberlaine
John Downeman	Richard Tailer
Edward Blayney	Gilbert Peppet
F. Barkeley	Clem't Dilke
Luke Boys	
William Pierce	
Will Horwood	
Ellis Emerfon	
Edw: Waters	
John Price	
Henry Woodard	
John Crewe	
Hugh Crowder	

Burgeffes for the Assembly

of 1627/28.

[See p. 51 of this volume.]

Nathaniel Baffe	William Harwood	John Smyth
Edward Bennett	John Jackson	Maximillian Stone
Thomas Burgis	Thomas Jorden	Robert Sweete
John Burland	Michell Marthart	Richard Taylor
John Chewe	Thomas Osborne	John Uty
Edward Crinden	Thomas Pawlett	Edw. Waters
William Englishe	William Perry	John West
Francis Epes	William Popleton	Thomas Weston
Thomas ffareley	Walter Price	Thomas Willoby
John Harris	Humphrey Rafhell	Percivall Wood
Thomas Harwood		

Burgeffes for the Assembly of 1629.

[From *Stanard's Colonial Virginia Register*, pp. 54, 55.]

The Plantation at the College: Thomas Osborne
Matthew Edlowe

The Neck of Land: Samuel Sharp

Shirley Hundred Island: Cheney Boyfe
John Browne

Shirley Hundred Main: Thomas Palmer
John Harris

Mr Henry Throckmorton's Plantation: William Allen

Jordan's Journey: William Popkton [Poppleton]

Chaplain's Choice: Walter Price

Westover: Christopher Woodward

Flowerdieu Hundred: Anthony Pagett

James City: George Menefie
Richard Kingsmell

Pace's Paines: William Perry
John Smyth

The Other Side of the Water: John Weft
[Robert] Fellgate

Pasbehay: Thomas Bagwell

The Neck of Land: Richard Brewfter

Archer's Hope: Theodore Moyfe
Thomas Doe

The Plantations between Archer's Hope and Martin's Hundred: John Utie
Richard Townfend

Hogg Island: John Chew
Richard Tree

Martin's Hundred: Thomas Kingfton
Thomas Fawcett

Mulberry Island: Thomas Harwood
Phettiplace Claufe

Warwick River: Christopher Stokes
Thomas Ceely
Thomas Flint
Zachary Cripps

Warrofquoyacke: Nathaniell Baffe
Richard Bennett
Robert Savin
Thomas Jordan

Nuttmegg Quarter: William Cole
William Bentley

Elizabeth City: George Thompson
William Englifh
Adam Thoroughgood
Lionel Rowlfton
John Browning
John Downman

Eaftern Shore: No burgeffes appeared.

Burgeffes for the Affembly of 1629/30.

[From *Stanard's Colonial Virginia Register*, pp. 55, 56.]

The Plantations of the Colledge and Neck of Land: Thomas Osborne
Thomas Farmer

Shirley Hundred Main: Thomas Palmer
John Harris

Shirley Hundred Island: Cheney Boyfe
Walter Afton

Jordan's Journey and Chaplaine's Choice: Walter Price

Flowerdieu Hundred: John Flood

Westover: None appeared.

Weyanoke: John Trahorne

Pace's Paines and Smythe's Mount: William Perry

Pafbehay: Bridges Freeman

James City Island: John Southerne

Robert Barrington

The Other Side of the Water: John West

Robert Felgate

Hogg Island: John Utie

The Neck of Land in the Corporation of James City: Richard Brewfter

Archer's Hope and Glebe Land: Theodore Moyfes

Henry Coney

Harrap, and the Plantations between Archer's Hope and Martin's Hundred:

John Browning

Thomas Farley

Martin's Hundred: Robert Scotchmore

Thomas Foffett

Mulberry Island: Thomas Harwood

Anthony Barham

Warwick River: Thomas Flint

John Brewer

Denby: Thomas Ceely

Chriftopher Stokes

Thomas Key

Nutmeg Quarter: Joseph Stratton

Warrosqueake: John Upton

John Atkins

Robert Savin

Thomas Burges

The Upper Part of Elizabeth City: Thomas Willoughby

William Kempe

Thomas Hayrick

The Lower Part of Elizabeth City: Thomas Purifoy

Adam Thoroughgood

Lancelot Barnes

Accomac: Thomas Graves

Edmund Scarborough

Obedience Robins

Henry Bagwell

Burgeesses for the Assembly

of 1631/2.

[From *Stanard's Colonial Virginia Register*, pp. 56, 57.]

Arrowhattocks, Neck of Land, and Curles: Captain Thomas Osborne
Both Shirley Hundreds, M^r Farrar's and Chaplains: Francis Epes

Walter Afton

Westover, Flowerdieu Hundred, and Weyanoke: John Flood
Captain Perry's downwards to Hogg Island: Captain William Perry
Richard Richards

James City: John Southerne
Thomas Crampe [Crump]

Archer's Hope: Thomas Farley
Percival Wood

Kethe's Creek to Mulberry Island and Saxon's Goal: Thomas Harwood
Thomas Flint

Warwick River: Thomas Seely
Thomas Ramfhawe

Water's Creek and the Upper Parish of Elizabeth City: Thomas Willoughby
The Lower Parish of Elizabeth City: George Downes

Warrofsqueake: Thomas Jordan
Accomac: Edmund Scarborough
John Howe

Kiskyacke and the Isle of Kent: Nicholas Martian

Burgesses for the Assembly of 1632.

[From *Stanard's Colonial Virginia Register*, pp. 57, 58.]

Arrowhattocks, Neck of Land, and Curles: Thomas Osborne
Shirley Hundred Main and Cawfey's Care: Walter Afton
Shirley Hundred Island: Cheney Boyfe
Westover and Flowerdieu Hundred: John Flood
Weyanoke: Richard Coxe
Chickahominy: Bridges Freeman
Smythe's Mount and Perry's Point: John Smythe
James City Island: John Jackson
Patbehay: John Corker
The Neck of Land: Thomas Crump
Glebe Land and Archer's Hope: Roger Webster
Henry Coney
Over the Water against James City: Richard Richards
Hogg Island: Richard Tree
Mounts Bay: John Browning
John Wareham
Martin's Hundred: Robert Scotchmore
Percival Wood
Mulberry Island: Thomas Harwood
Thomas Bennett
Stanley Hundred: Thomas Barnett
Thomas Flint
Denbigh and to Waters Creek: Pettiplace Claufe
Warroqueake: Thomas Jordan
William Hutchison
From Waters Creek to Marie's Mount: Joseph Stratton
John Powell
The Upper Parish of Elizabeth City: Thomas Willoughby
Henry Seawell
John Sipley
The Lower Parish of Elizabeth City: Adam Thoroughgood
William Englifh
George Downes
Kiskyacke: Nicholas Martian
Yorke: Lyonel Rowlfon
Accomac: Thomas Graves
John Howe
Henry Bagwell
Charles Harmer

Burgeffes for the Assembly of 1632/3-1633.

[From *Stanard's Colonial Virginia Register*, pp. 58, 59.]

Arrowhattocks, Henrico Neck of Land, and Curles: Thomas Osborne
Shirley Hundred Main and Cawley's Care: Walter Afton
Shirley Hundred Island: Rice Hooe
Westover and Flowerdieu Hundred: Thomas Pawlett
Weyanoke: William Emerfon
James City, Chickahominy, and Pasbehay: John Corker
Neck of Land: Thomas Crump
Archer's Hope and Glebe Land: Henry Coney
Smythe's Mount, the Other Side of the Water and Hogg Island: Thomas Grindon
Harrop and to Martin's Hundred: Richard Brewfster
John Warcham
Martin's Hundred: David Mansfield
Robert Scotchmore
Mulberry Island: Thomas Harwood
William Spencer
Stanley Hundred: Zachary Cripps
Roger Dilke
Denbigh: Thomas Flint
Thomas Hawkins
Worrofqueake: John Upton
Robert Savin
Nutmeg Quarter: Francis Hough
The Upper Parts of Elizabeth City: Thomas Sheppard
John Sipfey
The Lower Parts of Elizabeth City: William English
John Arundel
Accomac: Edmund Scarborough
John Howe
Roger Saunders
John Wilkinfon
Kiskyacke: Nicholas Martian
Yorke: Lyonel Rowlfon

Burgeffes for the Assembly of 1639/40.

[From *Stanard's Colonial Virginia Register*, pp. 60, 61.]

Henrico: Thomas Harris
Christopher Branch
Edward Tonsfall [Tunstall]
Charles City: Francis Eppes
Thomas Pawlett
Edward Hill
Joseph Johnson
James City:
Chickahominy Parish or the Upper Chippokes and Smiths Fork:
Lower Chippokes, Hogg Island, Lawn Creek:
Martin's Hundred to Kethe's Creek: Thomas [Kington, or Fawcett]
Parloes' Neck to Waroues' Ponds: Richard [Richards]
Johnson's Neck, Archer's Hope, and the Neck of Land: David [Mansfield, or Manfell]
Warwick River: Thomas [Flint]
Thomas [Harwood]
Thomas [Ceely]
Zachary Crip.
Charles River: William _____
Hugh Gwyn
Peregrine Bland
Upper Norfolk: Randall Crew
John Gookin
Triftam Norfworthy
Lower Norfolk: John Sibfey
John Hill
Isle of Wight: John Upton
Anthony Jones
John Moone
James Tuke
Elizabeth City: Thomas Oldis
Mr Strafferton
Accomac: Obedience Robins
John Neale

¹ Inserted by the editor of this volume.

Burgeffes for the Assembly

of 1641/42-42.

[From *Stanard's Colonial Virginia Register*, p. 61.]

James City:	Robert Hutchinson	Warwick River:	Thomas Barnett
	Francis Fowler		William Whittbey
	John White	Isle of Wight:	John Upton
	Thomas Hill		Joseph Salmon
	Richard Richards		George Harddie
	Ferdinand Franklin	Upper Norfolk:	Daniel Coogan
	Jeremie Clement		[Gookin]
	Thomas Follis		John Carter
	William Butler	Lower Norfolk:	John Shipfie [Sibfie]
Henrico:	John Baugh		John Hill
	Francis Fulford	Elizabeth City:	John Branch
Charles City:	Walter Afton		Flo. Payne
	Joseph Johnfon	Accomac:	John Wilkins
	Walter Chiles		John Neale
Charles River:	Richard Townfend		
	George Ludlowe		
	George Worleigh		

The names given above are those of the members of the Assembly present at the January 1641/42 session. At the April 1642 session only twenty-one members were present—at least, only twenty-one signed the "Declaration against the Company to be Entered as the 21st Act"—and ten of these were not present in January. The names follow:

Obedience Robins	Nathaniel Gough
Benjamin Harrifon	Mathew Chiles
Thomas Dewe	William Dacker
Edward Hill	Thomas Bernard
Thomas Harwood	Edward Windham

Note.—For the names of those signing the Declaration, see p. 69. "Fallowes" is taken to be another spelling of "Follis." "Weale" is taken to be an error for "Neale." See, further, the Preface to this volume.

Burgeffes for the Assembly

of 1642/43.

[From *Stanard's Colonial Virginia Register*, pp. 62, 63.]

Henrico:	Matthew Gough	Elizabeth City:	John Branch
	Arthur Bayly		John Hoddin
	Daniel Luellin	The Isle of	Anthony Jones
Charles City:	Walter Afton	Wight:	Richard Death
	Thomas Stegg	Upper Norfolk:	John Carter
	Walter Chiles		Randall Crew
James City:	Robert Hutchinson	Lower Norfolk:	Cornelius Lloyd
	Rowland Sadler		Edward Windham
	Henry Filmer	York:	John Chew
	John Fludd		John Chefman
	Stephen Webb		William Tayler
	William Davis	Northampton:	Phillip Tayler
Warwick River:	Thomas Flint		Edmond Scarbrough
	Toby Smith		

Burgeffes for the Assembly

of 1643/44.

[From the *Virginia Magazine of History and Biography*, XXIII, pp. 228, 229.]

James City County:	Robert Hutchinon Richard Brewfter Stephen Webb Edward Travers Thomas Loven Thomas Warren John Shepard John Jorden	Henrico County:	John Zouch Math Gough Daniel Luellin Edw. Hill ffr. Poyethres John Bifhop John Weftropp Willm. Woolridg
Yorke County:	John Chewe Rowland Burnham Xpofer Calthropp	Charles City County:	John Holden Wm. Roper Edw. Douglas Randall Crew Toby Smith Cornelius Loyd John Sidney
Warwick County:	William Whitby John Walker	Elizabeth City County:	
Ile of Wight County:	Peter Hull George Hardy Richard Death	North'ton:	
		Upp. Norff.:	
		Lower Norff.:	

Burgeffes for the Assembly

of October 1644.

[From *Stanard's Colonial Virginia Register*, pp. 63, 64.]

James City:	Robert Hutchinon Stephen Webb Edward Travis Thomas Loveing George Jordan John Shepherd Thomas Warren	Warwick:	Thomas Bernard John Walker Hen. Heyrick
York:	John Chew Rowland Burnham X'pher Caultropp	Northampton:	Obedience Robins Edward Douglas
Ile of Wight:	Peter Hull George Hardy Richard Death	Upper Norfolk:	Randall Crew Moore Fauntleroy
Lower Norfolk:	Cornelius Lloyd John Sidney	Charles City:	Edward Hill, Speaker Francis Poythers [Poythreis]
Elizabeth City:	William Worbrigh [Wooldridge] John Hodin	Henrico:	John Bifhop John Weftropp Dan. Llewelin Richard Cocke Abra. Wood William Hatcher

Burgeffes for the Assembly

of 1644/45.

[From *Stanard's Colonial Virginia Register*, p. 64.]

James City:	Ambrose Harmer	Ile of Wight:	Arthur Smith
	Robert Hutchinfin		George Hardy
	William Barrett	Upper Norfolk:	Phillip Bennett
	John Corker		Moore Fauntleroy
	Peter Ridley	Elizabeth City:	Leonard Yeo
	George Stephens		X'pher Caulthropp
	John Rogers		Arthur Price
Henrico:	John Baugh	Northampton:	Edmon. Scarbrough
	Abraham Wood		Stephen Charlton
Charles City:	Edward Hill, Speaker	Lower Norfolk:	Edward Lloyd
	Rice Hooe		Thomas Meares
	Francis Poythres		X'pher Burroughs
	Edward Prince		
Warwick River:	Thomas Harwood		
	Thomas Bernard		
	Hen. Heyricke		

Burgeffes for the Assembly

of 1645/46.

[From *Stanard's Colonial Virginia Register*, pp. 64, 65.]

James City:	John Flood	Warwick:	Thomas Bernard
	Walter Chiles		John Walker
	Thomas Swan		Randall Crew
	Robert Weatherall	Northampton:	Ed. Scarbrough, Speaker
	Ambrose Harmer		Thos. Johnson
	Thomas Warne	Upper Norfolk:	Phillip Bennett
	Peter Ridley		Edward Major
	George Stephens		Richard Wells
York:	X'pher Colthrop	Charles City:	Francis Eps
	Rowland Burnham		Edward Hill
	Arthur Price		Edward Prince
Ile of Wight:	John Upton		Rice Hooe
	George Hardin [Hardy]		William Barker
	John Seward		Charles Sparrow
Lower Norfolk:	Cornelius Lloyd		Anthony Wyatt
	X'pher Burrowes	Henrico:	Abra. Wood
Elizabeth City:	Leonard Yeo		William Hatcher
	John Chandler	Northumber-	
		land:	John Matrum

Burgeffes for the Assembly of October, 1646.

[From *Stanard's Colonial Virginia Register*, pp. 54, 55.]

James City:	Ambrose Harmer	Yorke:	Hugh Gwin
	Walter Chiles		William Luddington
	Robert Shepheard	Warwick:	Thomas Taylor
	George Jordayne		Randall Crew
	Thomas Lovinge		John Walker
	William Barrett	Lower Norfolk:	Edw. Lloyd
Henrico:	Abra. Wood		Thomas Meares
	William Cocke		Robert Eyres
Charles City:	Rice Hooe	Northampton:	Edward Douglas
	Dan Lluellen		Thomas Johnfon
Isle of Wight:	George Fawdowne	Nansemond:	Edward Major
	Ja. Bagnall		Sam Stoughton
Elizabeth City:	John Robbins		
	Hen. Ball		

Burgeffes for the Assembly of 1647/48.

[From *Stanard's Colonial Virginia Register*, pp. 66, 67.]

James City:	Robert Hutchinon	Warwick:	Thomas Flint
	Bridges Freeman		Randle Crew
	Robert Shepheard	Isle of Wight:	John Upton
	George Jordan		John George
	William Davis	Lower Norfolk:	John Sidney
	Peter Ridley		Hen. Woodhouse
Charles City:	Edward Hill		Cor. Lloyd
	Francis Poythers		Thomas Meeres
Elizabeth City:	Anth. Elliot	Northampton:	Ed. Scarbrough
	John Chandler		Stephen Charleton
	Hen. Poole	Northumber-	
York:	Richard Lee	land:	William Presley
	William Tayler	Henrico:	Thomas Harris
	Fra. Morgan		
Upper Norfolk:	Moore Fauntleroy		
	Sam Stoughton		
	Richard Wells		

¹ At the second session of this Assembly, held in October, 1648, the representatives of Lower Norfolk County were Robert Eyre, or Eyres, and Thomas Lambert. See *Stanard's Colonial Virginia Register*, p. 67.

Burgeffes for the Assembly

of 1649.

[From *Stanard's Colonial Virginia Register*, pp. 67, 68.]

James City:	Walter Chiles	Nansemond:	Jo. Carter
	Thomas Swan		Toby Smith
	William Barret	Elizabeth City:	William Worlich
	George Read		[Wooldridge]
	William Whittaker		Jo. Robbins
	John Dunfion	Lower Norfolk:	Bartho. Hoskins
Henrico:	William Hatcher		Thomas Lambert
Charles City:	Edward Hill		John Chandler
	Charles Sparrow	Yorke:	Ralph Wormeley
Warwick:	Thomas Harwood,		Rowland Burnham
	Speaker	Northumber-	
	John Walker	land:	Francis Poythers
Isle of Wight:	George Hardy		John Truffell
	Robert Pitt		

Burgeffes for the Assembly

of 1651-1651/52.

[From *Stanard's Colonial Virginia Register*, p. 68.]

Northumberland:	John Truffell	Lancafter:	Moore Fauntleroy
	Thomas Baldridge		Raleigh Travers
	[William] Presley	Lower Norfolk:	Cornelius Lloyd
	[Richard] Lee		Thomas Lambert
	M ^r Speke		John Martin
	Thomas Wilford		Bartholomew Hoskins

* This is more probably Dr. Hy. Lee. See *Encyclopedia of Virginia Biography*, I, p. 276.
The above is, of course, only a very incomplete list.

Burgeffes for the Assembly

of April-May, 1652.

[From *Stanard's Colonial Virginia Register*, pp. 68, 69.]

Henrico:	William Hatcher	Elizabeth City:	Peter Ranfom
Charles City:	Edward Hill		John Sheppard
	John Bifhop	Warwick River:	Sam. Mathews
James City:	Robert Wetherall		William Whittbye
	John Fludd	York:	Fra. Morgan
	Hen. Soane		Hen. Lee
	Da. Manfill		Austin Warner
	George Stephens	Northampton:	Obedience Robins
	William Whittakere		Edm. Scarbrough
Isle of Wight:	Robert Pitt		Thomas Johnson
	George Hardie		Wm. Jones
	John George		Antho. Hoskins
	John Moone	Northumberland:	Jno. Mottram
Nansemond:	Thomas Due		Geo. Fletcher
	Ed. Major, Speaker	Gloucester:	Hugh Gwinne
Lower Norfolk:	Cor. Lloyd		Fra. Willis.
	Thomas Lambert		
	Henry Woodhouse		
	Charles [Chris?] Burrowes		

Burgeffes for the Assembly of November, 1652.

[From *Stanard's Colonial Virginia Register*, pp. 69, 70.]

Henrico:	William Harris	Nanfemond:	Thomas Dew, Speaker
Charles City:	Hen. Perry		Peter Montague
	Dan. Llewelin	Lower Norfolk:	Cor. Lloyd
	Abraham Woode		Thomas Lambert
	Captain Woodliffe		Charles Burrowes
	Charles Sparrow	Elizabeth City:	Peter Ranfome
James City:	Robert Wetherall		Theo. Hone
	William Whittaker	York:	Stephen Gill
	Abraham Watfon		William Gouge
	Hen. Soane		X'pher Calthrope
Surry:	William Thomas	Gloucester:	Hugh Gwinne
	William Edwards		Fra. Willis
	George Stephens	Northampton:	Colonel Robbins
Isle of Wight:	Charles Reynolds		Stephen Charlton
	Samuel Mathews	Lancafter:	Hen. Fleet
	Wm. Whittley		William Underwood

Burgeffes for the Assembly of 1653.

[From *Stanard's Colonial Virginia Register*, pp. 70, 71.]

James City:	Walter Chiles	Isle of Wight:	Robert Pitt
	William Whittaker		George Fowden
	Hen. Soane		Daniel Boucher
	Abra. Watfon	Northampton:	Thomas Johnfon
Surry:	William Butler		William Mellin
	William Edwards		Stephen Horley
Warwick:	Sam. Mathews	Lancafter:	Moore Fauntleroy
	William Whittby,		Thomas Hackett
	Speaker	York:	X'pher Calthropp
Charles City:	John Bilhopp		Robert Booth
	Anthony Wyatt		William Hockaday
Nanfemond:	Thomas Dew		Fra. Morgan
	Edw'd Major	Northumberland:	George Fletcher
	Peter Montague		Walter Broadhurft
Lower Norfolk:	Francis Yardly	Henrico:	William Harris
	Cornelius Lloyd	Elizabeth City:	John Sheppard
Gloucester:	Abraham Iverfonn		Thomas Thornbury
	Richard Pate		

Burgeffes for the Assembly

of 1654-1655.

[From *Stahard's Colonial Virginia Register*, pp. 71, 72.]

Charles City:	Edward Hill, Speaker	Lancafter:	John Carter
	Henry Perry		James Bagnall
	Abraham Wood	Northampton:	Peter Walker
	Stephen Hamlin		Wm. Waters
Elizabeth City:	William Worlich		Tho. Johnfon
	John Sheppard	Nanfemond:	Tho. Dew
Gloucefter:	Thomas Breman		Sam. Stoughton
	Wingfield Webb		Tho. Godwin
Henrico:	Richard Cock	Northumberland:	John Truffell
James City:	Thomas Dipnall	Surry:	Wm. Batt
	Abraham Watfon		James Mafon
	William Whitaker	Warwick:	Sam. Matthewes
	Henry Soane		William Whitbye
Isle of Wight:	Robert Pitt	New Kent:	Robt. Abrell
	John Moone	York:	Wm. Gooch
	Fra. Hobbs		Robert Booth
	John Bond		John Hayward
Lower Norfolk:	Barthol. Hoskins	Westmoreland:	John Holland
	Lemuell Mafon		Alex. Baynham

Burgeffes for the Assembly

of 1655/56-1656.

[From *Stanard's Colonial Virginia Register*, pp. 72, 73.]

Lancafter:	Moore Fauntleroy	Charles City:	Anthony Wyatt
	Henry Chicheley		Abraham Wood
Northampton:	[Edmond] Scarborough		Daniel Lluellin
Lower Norfolk:	John Sidney	York:	George Reade
	Lemuel Mafon		John Page
	Bartholomew Hoskins		Joseph Croshaw
	Thos. Lambert		Ralph Langley
	Richard Foster		Francis Willis
James City:	[William] Whittaker		Nathaniel Bacon
	Theophilus Hone		Armiger Wade
	John Flood	Warwick:	Thomas Davis
	Robert Holt	Northumberland:	John Truffell
	Robert Ellyfon	Gloucefter:	Thos. Ramfey
Isle of Wight:	John Bond	Nanfemond:	Edward Streeter
	Nicholas Smith		John Wilcox
	Job. Beazley		Captain Blake
Henrico:	Thomas Lyggon	Elizabeth City:	Peter Afhton
	William Harris		

"Mr Holmewood,"¹ George Lobb, William Thomas,² "Mr Wright," and Lt. Colonel John Walker can not, with certainty, be assigned to counties.

¹ This is probably John Holmewood, of Charles City County. See *Encyclopedia of Virginia Biography*, I, p. 259.

² Thomas represented Surry County. See *Encyclopedia of Virginia Biography*, I, p. 339, and the list of members of the November 1652 session.

Burgeesses for the Assembly of 1657/8-1658.

[From *Stanard's Colonial Virginia Register*, pp. 73, 74.]

Henrico:	William Harris	Upper Norfolk:	Edw'd Carter
James City:	Hen. Soane		Thomas Francis
	Richard Webfter		Giles Webb
	Thomas Loveinge	Lower Norfolk:	John Sidney
	William Corker		Lemuell Mafon
Surry:	Thos. Swann	Elizabeth City:	William [Wooldridge]
	William Edwards		John Powell
	Wm. Butler	Warwick:	John Smith, Speaker
	Wm. Cawfield		Thomas Davis
New Kent:	William Blacky	York:	Jeremy Ham
Gloucester:	Anth. Elliott		James Goodwin
	Thomas Rainfey		Robert Borne
Rappahannock:	Thomas Lucas		William Hay
Lancafter:	John Carter	Northumberland:	Peter Knight
	Peter Montague		John Haney
Isle of Wight:	John Bond	Northampton:	William Kendall
	Thomas Tabenor		William Mellings
	John Brewer		William Michell
	Joseph Bridger		Randall Revell
Charles City:	War'm Horfmenden		John Willcox
	Robert Wynne		

Burgeesses for the Assembly of 1658/59.

[From *Stanard's Colonial Virginia Register*, pp. 74, 75.]

Henrico:	William Hatcher	Warwick:	John Harlowe
Charles City:	The Speaker	Elizabeth City:	William Batte
	War'm Horfemenden		Florentine Paine
James City:	Walter Chiles	York:	Nathaniel Bacon
	William Whittacre		Joseph Crowihaw
	Thomas Foulke		Thomas Bufhrod
	Mathew Edloe		William Hay
Surry:	George Jordan	New Kent:	William Blacke
	Thomas Warren	Lancafter:	John Carter
	William Cawfield		Hen. Corbin
Isle of Wight:	Robert Pitt	Rappahannock:	Moore Fauntleroy
	John Bond		John Weye
	William English	Gloucester:	Francis Willis
	James Pyland		Augustine Warner
Upper Norfolk:	Edward Carter	Northumberland:	George Colclough
	Thomas Goodwyn	Northampton:	John Stringer
	Giles Webb		William Jones
Lower Norfolk:	John Sidney		
	Lemuell Mafon		



Introductory Note.

THE title "Journals of the House of Burgesses" has been retained for the present volume, which is the 13th and last of the series of Journals in the publication of which the *Virginia State Library* has been engaged since the year 1904, though, so far as the contents of this book are concerned, it is not entirely accurate. The material found in this volume is not made up altogether, or even in the main, of entire Journals of the House of Burgesses or of excerpts from these Journals, but of a few such excerpts, it is true, and of such papers of the House and of the General or Grand Assembly as a whole as are extant and have been found by the editor of the volume. These papers include petitions, letters, and statements sent by the House or by the Assembly to the authorities in *England*, and communications made to the Assembly, as well as such portions of the Journals as have been preserved, the latter being, unfortunately, distressingly meagre, though, even at that, of the very highest importance historically. It was thought by the editor that the "papers" of the House and of the Assembly should, in the absence of the Journals, be printed, because they are closely associated with the Journals, which have been lost, and with the laws, the majority of which for this period have been printed in *Hening's "Statutes at Large,"* though, unfortunately, many of these, too, have been lost. It was thought that all the material which would be of help in the reconstruction of the activities of the House and of the Assembly for the earliest period should be presented in one place. The material in this volume is similar to that in the first 118 pages of the preceding volume, and not similar, except in places, to the material making up the bulk of that volume, namely, the complete Journals from 1680 through 1693, printed from contemporary copies of these Journals sent to *England* at the close of each session and there, with one or two exceptions, preserved. The book contains, also, the orders of the Assembly for the period covered. These orders are of the nature of laws rather than of journal material, being the actual judgments of the Assembly in regard to a multitude of local and private matters, in reference to which it was not deemed suitable to enact a law. They, however, frequently contain much of what in later times would appear in the Journals, and not by any means all of them have been printed by *Hening*.*

It was thought best, however, to retain for this volume the title given to the series, rather than attempt to give it a title more truly descriptive of its contents, because, first, it actually does contain all the journal entries that have come down from those early days, and, secondly, it is only one volume of a series, and any change in the title would probably lead to confusion in the use of the volumes and in references to be made to them.

In collecting the material which will be found in the body of this book, a few papers have been obtained which are of such value as supplementing and illustrating that

* For fuller description of these orders, both as to their nature and history, see the Preface to the preceding volume, pp. XVII and XXXI.

material as to call for publication in an Appendix.² This material, none of it having been printed before, so far as is known to the editor of this volume, except one small item, will be found more particularly described in the Preface.

The Preface to the present volume is unlike the prefaces to former volumes in the series, in that it confines itself almost altogether to a treatment of the sources of the text and of the dates of the sessions, and pays only the most general attention to the contents of the text, whereas in former volumes a setting forth in a connected way of some of the more important transactions of the House was the main object of the prefaces. So far as the present volume is concerned, such a preface could not be written except for those few assemblies for which the excerpts from the original Journals are of some length, and in these cases the excerpts tell the story clearly enough to make a retelling of it superfluous. As for the papers of the various assemblies, it has been felt by the editor that an attempt to give in this Preface an adequate discussion of their contents would, if it were to be carried to a successful conclusion, result in the writing of a history of the period covered, which would scarcely be advisable in a preface. If advisable, it would not be possible to add much to what has already been done along this line.³

This volume contains, also, a general index to the series, made up of the indexes of the respective volumes, thrown together after having been somewhat revised. The series has been printed in an inverted chronological order, and no volume number has been put on any volume, but in place of this the inclusive dates of the material to be found therein. Consequently, in the general index the references to the volumes are made by means of these inclusive dates, they being printed in heavy type.

When the volumes of the series are collected on a shelf, it is suggested that they be put in their chronological order, rather than in the order in which they have been published. This will throw the index volume first, but will remedy the impression bound to be made by the other arrangement of moving in an unnatural way backwards. It is believed that this arrangement will reduce to a minimum the awkwardness resulting from the method of publishing, a method chosen because it was known at the start what Journals of the later period could be found for publication, but not known what Journals of the earlier period were in existence, and it was deemed desirable to begin the work at once. It may be added that this method has increased to no small extent the labor of the editors,⁴ and has caused the commission of a few mistakes in statement which otherwise might not have been made.

Much of the material appearing in this book has been printed before, and wherever a paper has appeared in a publication having a good reputation for accuracy, such, for instance, as *Henning's "Statutes at Large"* or the "*Virginia Magazine of History and Biography*," the editor has not thought it necessary to go beyond these to their sources in securing his text, but has entered cheerfully into the labors of others. He has, however, very frequently gone to the originals themselves, as a reading of the Preface will indicate.

In the text "copy" has been followed very closely, and in order to do this in the case of original manuscripts a few special characters have been used, as follows:

̄, indicating ti (mentioned, for example, for mentioned).

♂, indicating -leman or -lemen (gent♂, standing for gentleman or gentlemen, usually the latter).

Ⓟ, indicating pre (Ⓟvent, prevent).

q₃, indicating que (annoq₃, for annoque)

ṁ, indicating mm (sumṁon, for summon).

In general, a curve over a letter indicates the omission of a letter or letters either preceding or following the marked letter.

² The user of this book need hardly be told, however, that the material here given is but a small part of the material still unprinted in the British Public Record Office and other depositories which would throw strong light on the questions treated in the papers and parts of Journals appearing in the body of the book.

³ Until all the material referred to in the preceding note gets into print, it does not seem to the editor advisable that any further attempt to write a history of the period be made.

⁴ The first four volumes were edited by Jno. P. Kennedy, who when they were going through the press was librarian of the Virginia State Library; the remaining volumes have been edited by the present librarian.

Preface.

The General Assembly of 1619.

THIS Assembly is of peculiar interest as being the first legislative body that ever met in *America*. The account of its proceedings printed in the present volume is not the journal kept by the clerk of the General Assembly—no such journal has been preserved, if written from day to day, though a clerk was appointed—but it is the report sent home to the authorities of the *London Company* in *England* by the speaker of the Assembly, *John Pory*, who was also secretary of the Colony. *Pory's* position as secretary carried with it membership in the Council and consequently membership in the Assembly, since this first Assembly was composed, as was the case in later times, both of members elected by the people and of members of the Council appointed by the authorities in *England*. *Pory* seems to have been appointed to the position of speaker, as were *John Twine* and *Thomas Pierse* to the positions of clerk of the General Assembly and sergeant-at-arms, respectively, by the governor or by the governor and Council, for the selection took place before the Burgesses had become, by taking the oath of supremacy, fully competent to perform their duties.

At this first meeting of the General Assembly the Burgesses—two from each plantation—and the members of the Council, with the governor, sat together as one body, in which each member had one vote, and questions were decided by the vote of the majority, the governor, however, having the power to veto any measure whatever. All this was in accordance with the *London Company's* commission to Governor *Yeardley* establishing the General Assembly; and the body continued to consist of only one chamber for the few years of the further existence of the *London Company* and possibly to a later time still. By an extension of usage the Company applied the term "borough" to each area, whether town, hundred, or plantation, from which representatives were to come, and the term "burgess" to each voter in one of these areas. The representatives in the Assembly were called "burgesses" at the start, not because they were representatives, but because they were citizens and voters in these "boroughs," but very soon the idea of representation became attached to the word "burgess," and then, the boroughs of the company having gone out of existence, the word came to mean, so far as *Virginia* was concerned, a representative in the elective branch of the General Assembly and nothing else. Its use in the sense of a voter did not persist. But as meaning a representative it continued in use till the Revolutionary War, though there was only one town in the Colony. The reason for this was, of course, that the term was used in the official documents of the later period and that these followed the usage set by the Company.¹

Unfortunately, the records handed down do not permit us to say at exactly what time the two classes of members began to sit as separate chambers; certainly, however, it was much before the year 1680, the date given by *Beverley*, and adopted on his authority by many later historians. Some of the evidence leading to this conclusion has been presented in the Preface to the volume of the Journals of the House of Burgesses immediately preceding the present one.² Additional evidence will be presented further on in this Preface.

¹ See the commission given to Sir Francis Wyatt in 1621, printed in Hening, I, 113, 114, which was almost certainly exactly similar to the commission given to Sir George Yeardley in 1618, by virtue of which the first General Assembly in Virginia was held. Unfortunately, this paper has been lost. The first paper mentioning the General Assembly that has come down to us is dated July 24, 1621. It has the title "An Ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly." It is printed in Hening I, 110-113.

² See Journals of the House of Burgesses, 1659/60-1693, p. xx.

The speaker's account of the proceedings of this General Assembly was first printed in 1857, in the "Collections of the *New York Historical Society*," with a preface by *George Bancroft*. It was again printed in the "Colonial Records of *Virginia*" (State Senate Document, Extra, *Richmond*, 1874), pp. 1-32. The original is in the *British Public Record Office*, *London*. The several transcripts which have been made of this very interesting document differ from each other slightly in unimportant details. Two of these transcripts are at present in the *Virginia State Library*, one in the collection known as the "McDonald Transcripts" and the other in the collection known as the "De Jarnette Transcripts." The former of these has been used as the source of the text printed in this volume, as it appears to be slightly more accurate than the *De Jarnette* transcript and at least as accurate as the one used by *Bancroft*.⁷

The sessions of this Assembly began on *July 30*, and ended on *August 4*. The last paragraph of the report shows that the Assembly was not finally dissolved, but was prorogued to the first of *March*, 1619/20. Probably it met at that time or a little later, but no account of the session has been handed down, though *Robert Beverley*, indeed, does say in his "*History of Virginia*" that an Assembly met in *May*, 1620, and in this statement he is followed by the more reliable *Stith*.⁸

The General Assembly of 1621.

THE next Assembly of which there is an account met in *November* and *December*, 1621—probably for only a few days—and the account is found in a letter of the governor and Council of *Virginia* to the *London Company* written in *January*, 1621/22. This letter is printed in full in *Edward D. Neill's "Virginia Company of London,"* pp. 274-286. In the absence of the Journal of this Assembly, of all documents emanating from it, and of such a special report relating to it as Speaker *Pory's* report of the proceedings of the Assembly of 1619, it was thought advisable to insert in this volume such parts of the letter as refer to the proceedings of the Assembly. These are printed from the text as given by *Neill*, who copied from a manuscript in the Library of Congress, which is evidently a contemporary copy of the original—almost certainly, indeed, the official copy kept by the governor and Council. It found its way to the Library of Congress with the library of *Thomas Jefferson*.⁹

⁷ The first of these two collections of transcripts was made in 1860 by direction of Col. Angus W. McDonald, who had been sent to England by the General Assembly of Virginia to secure transcripts of such papers as he could discover throwing any light on the question of the boundary line between Virginia and Maryland, and who, finding after this task had been accomplished that the appropriation made was not exhausted, expended the balance in securing transcripts of other important documents originating in colonial Virginia. Unfortunately, four of the nine volumes of transcripts and the collection of maps brought back by Col. McDonald from England—the material bearing more especially on the subject of the boundary line—disappeared from the Virginia State Library some time after the occupation of Richmond by the Federal troops in April, 1865. Consequently, when in 1870 the question of the boundary line between the two States came again under official consideration, it was necessary that the documents in England bearing upon it should be copied again. This time the agent of Virginia was the Honorable D. C. De Jarnette, sent over by the governor of the State. Mr. De Jarnette, too, had transcripts made of important Virginia documents other than those bearing on the boundary line, many of them, indeed, being duplicates of the transcripts in the four volumes of the "McDonald Transcripts" which have been preserved.

⁸ A very good account of the work of this Assembly is contained in an article by W. W. Henry on pp. 55 ff. of Vol. II of the "*Virginia Magazine of History and Biography*." Another article, going more fully than does that of Mr. Henry into the significance of the case of Captain John Martin, the representatives from whose plantation were not permitted to take their seats, is to be found in the same Magazine, Vol. VII, pp. 268-275, entitled "The Case of Captain Martin," written by Alexander Brown. In Alexander Brown's "*First Republic in America*" is found, also, a very full account of the proceedings of this Assembly. (See "*First Republic in America*," pp. 313-321.) The introductory note written by George Bancroft to the Proceedings of the General Assembly printed in the "Collections of the New York Historical Society" for 1857 is also excellent. This introductory note is reprinted in the "Colonial Records of Virginia."

⁹ See p. 37 of Campbell's edition of Beverley's "*History of Virginia*," and p. 160 of Stith's "*History of Virginia*." Beverley makes this the first session of the Assembly.

¹⁰ Its reference marks in the Library of Congress are, Ms. Rec. Virginia Co., III, pt. ii, pp. 1-2a.

The General Assembly of 1623/24.

THE next session of which any record has been left, though probably there were sessions held in the years 1622 and 1623, for, according to the "Ordinance and Constitution of the Treasurer, Council, and Company in *England* for a Council of State and General Assembly," the sessions were to be annual, is the session of 1623/24, commencing *February* 16 and ending *March* 5. This was a very important session in the history of the Colony, for the commissioners sent over by the *English* government to inquire into the condition of the Colony were in *Virginia*, with whom negotiations had to be carried on, and papers had to be drawn up setting forth the attitude of the Colony toward the proposed revocation of the charter of the *London* Company. The sympathy of the colonists was overwhelmingly with the company.

The fight made by the king on the company is fully described in *E. D. Neill's* "*Virginia Company of London*" and in even greater detail and more satisfactorily in *Alexander Brown's* "*First Republic in America*."¹¹ All the papers referred to by *Brown* are printed in the present volume—in the absence of the regular Journal of the session, which has been lost—with the exception of the laws, which are to be found in *Hening*, I, 121-128. In addition, there is printed here an order of this Assembly which seems to have been overlooked by *Brown*—the second order on page 41. This sets forth the method of collecting tobacco for payment of Mr. *John Pountis* for looking after the interests of *Virginia* before the king and Council in *England*.

The first document of this Assembly printed in this volume is taken from *Neill's* "*Virginia Company of London*" and the second from *Stith's* "*History of Virginia*," the original manuscript being in each case now in the Library of Congress, having been secured by that library with the library of *Thomas Jefferson*. The next two documents are from the "*Bancroft Transcripts*," a large collection of copies of original papers in the Public Record Office, *London*, which *George Bancroft*, the historian, had made for his use when writing his "*History of the United States*," and which are now in the *New York* Public Library. The next document is copied from the "*Colonial Records of Virginia*," a printed compilation already referred to, the source of the text of which is, as we have seen, transcripts of originals in the Public Record Office. All the other documents of this session are printed from the "*Bancroft Transcripts*" except the two orders given on page 41, which are from papers in the Library of Congress evidently contemporary with the orders themselves.¹²

This Assembly probably held another session, in the latter part of 1624, but nothing is known in reference to it.¹³

¹¹ *Neill's* "*Virginia Company of London*," 385 ff.; *Brown's* "*First Republic in America*," 570 ff.

¹² The Library of Congress papers are, in fact, pages from the original Council record book, the book, before its transfer to the Library of Congress, having become much mutilated, only pages here and there being preserved.

It may be of interest to note that everywhere in this volume where documents have been printed from manuscripts other than manuscripts in the British Public Record Office and transcripts in the Virginia State Library, photostatic copies of the sources have been used. In the case of the "*Bancroft Transcripts*" these photostatic copies have been themselves sent to the printer, but in the case of the Library of Congress manuscripts—early seventeenth century manuscripts—difficulties of handwriting made it advisable that the printer be furnished with more legible copy.

¹³ See *Alexander Brown's* reference to it in the "*Virginia Magazine of History and Biography*," VII, 273, 274.

Convention of 1625.

WHEN the charter was taken away from the *London* Company and the government of *Virginia* was assumed by the crown, there was in the form of government devised no provision made for a representative assembly.

Hence no House of Burgeffes could be legally elected. However, the governor of *Virginia*, Sir *Francis Wyatt*, and the Council, were in favor of allowing representatives of the people a share in the government of the Colony, although this, necessarily, would diminish their own power, and they, accordingly, called together a number of such representatives to consult with them on matters most vitally affecting the Colony. The call has fortunately been preserved, and is in these words:

"Whereas there are divers important occasions, w^{ch} hereby concerne the generall Estate of y^e Colony, These are y^e you cale together all the fremen of y^e plantac' vnder your Comand And by the maior p'tie of y^e voyt [voice] to elect two of y^e most Sufficient vppon whose Judgements the rest wilbe Contented to rely y^e they Appere at *James Cittie* the 10th of *Maye* next ensuinge, where we hope the busines will not detain them aboute three or fower dyes."

This call was issued at a meeting of the governor and Council held the 25th of *April*, 1625, and was directed to the commander of each plantation.¹⁴

To the gathering which came together pursuant to this call, presumably on the 10th of *May*, the term "Convention" has been applied. The paper drawn up by it, preserved in the *British* Public Record Office, has been given a place in this book among the papers of the General Assembly, though, technically speaking, it has no title to be placed here. It is a petition to the king, and shows clearly the wish of the people of *Virginia* to be allowed to have a representative assembly and their objection to the king's making a monopoly of the tobacco trade. The monopoly was spoken of by them as "the late pernicious contract." The Convention probably did nothing beyond drawing up this petition to the king and electing Sir *George Yeardley*, former governor, as the agent of the Colony to proceed to *England* and present it to his majesty.¹⁵

There may have been other conventions held in the time intervening between the assumption of the government by the crown and the allowance of general assemblies by the crown—in the latter part of 1627—but no definite records of them have been preserved.

General Assembly of 1627/28.

THE first General Assembly of *Virginia* which met after the revocation of the charter was called together at the express command of the king in *March* 1627/28. The date of the most important paper drawn up by the General Assembly is *March* 26, 1628, and it is a paper of such length and deals principally with a question of such great importance to the Colony that several days must have been consumed in its drafting and consideration. It seems safe to say, then, that the Assembly met some days before *March* 25, and, accordingly, in the year 1627 (old style).

As usual for this early period, the Journal has been lost. At the same time, no laws or orders passed at this session have been preserved. The papers that have come down, however, are extremely interesting, and the last one printed in this book, namely, the commission of the General Assembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marshart*, directing them to take care in *England* of the interests of the planters of *Virginia* in the matter of the monopoly of the trade in tobacco, which the

¹⁴ It is printed in the "Virginia Magazine of History and Biography," XXIII, 14, from the original "Minutes of the Council and General Court of Virginia," in the Library of Congress.

¹⁵ "First Republic in America," 642.

king wished to take to himself, seems to have been overlooked heretofore by writers on this period of *Virginia* history. The commission is here printed, for the first time, from a contemporary copy—evidently the original official copy kept in *Virginia*—in the Library of Congress. Since it is not a paper directed to the officials in *England*, no copy of it is, of course, in the *British* Public Record Office. Of the other papers of the session, there are copies both in the Public Record Office and in the Library of Congress, those in the former repository being the actual official papers sent to *England* and those in the latter the official copies kept in *Virginia*. The text given in this book follows the copies in the Public Record Office—or, more immediately, the "*Bancroft Transcripts*."

It was owing to the desire of the king to monopolize the trade in tobacco, and to his thought that this could be probably more thoroughly effected by a law passed by the representatives of the planters than by a proclamation, that the General Assembly was ordered to be convened. The Assembly, however, was by no means inclined to accede to the king's terms.¹⁶

General Assembly of 1629.

THE Assembly of 1629 began its meeting the 16th of *October*, as is distinctly stated in the manuscript which is the final source of the text, but it cannot be said how long the session continued, since no further date is given. The proceedings of this Assembly are printed in *Hening*, and from *Hening* the text in this book has been copied. This process was much simpler than to have a copy of the original made. And it has not, it is believed, impaired the authenticity or accuracy of the text, for a careful comparison of *Hening* with the original manuscript in the Library of Congress¹⁷ was made by the editor of this volume, and *Hening's* accuracy found to be most commendable. In fact, *Hening* now has a better text than the Library of Congress manuscript, for the reason that that manuscript, faded and frayed and defective in *Hening's* time, is now in even worse condition, one hundred years and more having elapsed since *Hening's* use of it. In one respect, however, the present text is closer to the original than is the text in *Hening*: the chapter headings inserted by *Hening* have been discarded.

Hening was inclined to think that he was printing the proceedings, or Journal, of the Assembly, rather than the acts, for he says as much on page 139 of Vol. I; still he inserted, "for the convenience of reference," he says, the words "act 1," "act 2," etc., at the beginning of the paragraphs of the manuscript when printed. The proceedings are not, however, claimed to be a true Journal. They are, rather, similar to the report of the proceedings of the first Assembly made by *John Pory*. The list of members of the Assembly is not printed in this book in connection with the proceedings, but is given with the other lists of members in the front part of the book.

It will be noticed that at this time the members of the House of Burgesses and the members of the Council, with the governor, still sat together. The wording of the proceedings all the way through shows this beyond a doubt.

¹⁶ For all early Virginia economic questions Philip Alexander Bruce's "*Economic History of Virginia in the Seventeenth Century*" should be consulted. The question of Charles's tobacco monopoly is treated on pp. 235-283 of Vol. I of that work.

¹⁷ This manuscript is believed to be the official record preserved by the Clerk of the House of Burgesses. It is the source of the acts given in *Hening* for the sessions through August, 1633.

General Assembly of 1629/30.

THIS Assembly met the 24th of *March*, 1629/30, and continued in session certainly for several days, but for how many it is impossible to say. No record of the Assembly has been preserved other than that printed as Acts of Assembly in *Hening*, I, 147-153, from a manuscript now in the Library of Congress.

At this early date the art of keeping journals and drawing up laws was not highly developed. The journals of the daily proceedings, if written out, were probably considered of little permanent importance, and consequently were soon lost. The important thing was to keep a record of the results actually attained, that is, the petitions and other papers drawn up, and the acts and orders passed, and there was at the start little distinction, if any, between these two kinds of enactments. Indeed, in the early days the formula "it is ordered" or "it is thought fit" usually appears in the case of all enactments, variations, however, being met with. It was not until the 1643/44 session, if we may venture on a statement from the insufficient material left, that the form "it is enacted," or "be it enacted," became established as the normal form for use in an act, or law, "it is ordered" having been reserved for use in orders.

The design of the writer of the manuscript from which *Hening* copied what is given on pp. 147-153 of his first volume—and this writer was probably the clerk of the Assembly, for if the manuscript is not the original official record, it is certainly a contemporary copy and one probably made by the clerk—was to preserve what we should now call the Acts of Assembly and not the Journal of the House, or, as it would have been at that time, there being only one chamber, Journal of the General Assembly. For this reason the material is not printed in this volume, though it must be admitted that some of it bears a close resemblance to journal material. It must be admitted, also, that the line of demarcation between the material for this session and that for the session before, printed in this volume, is but faint. However, from this time on the wording of the acts becomes more and more expert, and less and less matter of a journalistic nature appears. Beginning with the present session the enactments given by *Hening* as acts will not be found printed in this volume—with one or two exceptions where *Hening* is in error in classification, or where the paper, though called an act by the Assembly, was in reality designed to be something in addition.¹⁸

Grand Assembly of 1631/32.

THIS Assembly met the 21st of *February*, 1631/32, and continued in session through the sixth of *March*. The acts of the session are all given in *Hening*, I, 155-177, and no Journal has been handed down. The manuscript, however, containing the acts differs from other similar manuscripts, in that it gives the different days on which the various acts were passed, and also the day of adjournment. This has made it possible to give the limiting dates of the session. The manuscript, also, has the two following statements of a journalistic nature inserted just after the list of names of the Burgesses and before the acts:

"The oaths of supremacy and allegiance were in the first place administered to the Governor and Council and to all the above named burgesses in like manner.

In the afternoon.

"The Commission from his majesty nowe in force was read before the whole bodie of the Assembly."

This is the last manuscript containing the Acts of Assembly that has in it sentences of the character quoted above.

¹⁸ See pp. 66-69.

That the Council and the Burgeffes still sat together appears from the wording of Act XVIII, in reference to attendance on divine services, which is, in part: "It is ordered, that all the Counsell and burgiffes of the assembly shall, in the morninge, be present at devine service, in the roome where they sit, at the third beatinge of the drum, * * * "

However, the Burgeffes were certainly developing an independent consciousness, for the one document of the session handed down to us—probably the only one drawn up—was the work of the Burgeffes alone, the governor and Council writing one of their own bearing on the same subject and directed to the same body. The paper of the Burgeffes is given on pages 55 and 56 of this volume; that of the governor and Council, in the Appendix.

These two papers are designated, the one as the petition of the House of Burgeffes and the other as the letter of the governor and Council to the Privy Council.⁹ This, on further consideration, seems to be an error. They were, more probably, directed to the commissioners appointed by the Privy Council the latter part of June, 1631, to inquire into Virginia affairs.¹⁰ They are, however, in the "*Randolph Manuscript*" and the "*Bland Manuscript*" taken to have been directed to the Privy Council—that is, the only one of them (the petition of the Burgeffes) of which an abstract is given in these manuscripts, is so assigned.¹¹

Instead of the term "General Assembly," "Grand Assembly" makes its appearance for the first time at this session, a term to remain in use till the session held in 1680. There seems to be no special reason for the change, the two terms being exactly synonymous. It happened, however, that the paper authorizing Governor *Harvey* to call legislative assemblies used the term "Grand Assembly,"¹² which usage was followed in England until 1680 and consequently in Virginia. In fact, *Harvey's* first Assembly, that held in March, 1629/30, should on this principle have been called the "Grand Assembly," but the clerk made the mistake of using the designation "General Assembly" up to that time in vogue.

⁹ Both are printed from the original records, now in the Library of Congress.

¹⁰ For the names of these commissioners, see Neill's "*Virginia Carolorum*," p. 85.

¹¹ The "*Bland Manuscript*" is a large bound volume of transcripts and abstracts of early Virginia records. The originals having in many instances been lost, this manuscript is an extremely valuable source of Virginia history. The copies and abstracts were made about the year 1722, probably by a clerk in the secretary's office, for Sir John Randolph, who had under contemplation the writing of a history of Virginia, but who died before he could carry his purpose into execution. It has, however, been used by Smith, Burk, Henning, Campbell, and more recent workers in Virginia history. Henning gave the volume the title, by which it has since been known, of the "*Bland Manuscript*," because at the death of Richard Bland, the "*Virginia Antiquary*," it was in his library. It was purchased by Thomas Jefferson, and with most of Jefferson's library, found its way finally to the Library of Congress, where it is today.

The "*Randolph Manuscript*," so called because it was at one time owned by John Randolph, of Roanoke, is now the property of the Virginia Historical Society. It is an eighteenth century copy of the "*Bland Manuscript*," made by an expert copyist, who did his work well, though some unimportant mistakes have, indeed, been discovered.

When the present volume of "*Journals of the House of Burgeffes*" comes from the press, all the material in the "*Bland Manuscript*" will, it is thought, have been published. Stith, in the appendix to his "*History of the First Discovery and Settlement of Virginia*," Williamsburg, 1747, made a beginning of publication, and this work has been going on, intermittently, ever since. The laws, most of the orders, and many of the paragraphs copied, either *in extenso* or by abstract, from the early Journals of the House of Burgeffes, were printed by Henning, and such of this material as Henning failed to include, with the longer papers not elsewhere printed, has been, with a few exceptions, printed in the "*Virginia Magazine of History and Biography*." The immediate source of the text of the "*Virginia Magazine of History and Biography*" was, however, the "*Randolph Manuscript*."

For fuller information in reference to the "*Bland Manuscript*" and the "*Randolph Manuscript*," see the "*Records of the Virginia Company*," Introduction, pp. 48-54, and the "*Virginia Magazine of History and Biography*," XV, pp. 390, 391.

¹² In neither *Harvey's* commission nor first set of instructions is the permission to call a representative assembly given. The commission is printed in the "*Virginia Magazine of History and Biography*," XVI, 125-131, and the instructions in the same magazine, VII, 267. In the instructions, however, is the following sentence: "We doe likewise promise hereby to renewe and confirme unto the said Colonies under our greate Seale of Englande their landes and priviledges formerlie graunted," and in instructions issued later the governor is specifically authorized to call a representative assembly, "Grand Assembly" being the term used. See the "*Calendar of State Papers, Colonial, 1574-1660*," p. 100.

Sessions of the Grand Assembly Held in the Period 1632-1637.

SESSIONS were held during this period almost every year, but about some of them very little is known. For the session which began the fourth of *September*, 1632—the date of its close is not known—the laws are given in *Hening*, I, 178-202, from the original records, referred to above, now in the Library of Congress. It is also known that this Assembly took depositions as to the character of the government of the Colony under the *Virginia Company of London*,²³ but the records have been lost.

The laws passed by the Assembly at its session beginning the first of *February*, 1632/33 are printed in *Hening*, I, 202-209. This Assembly held a second session, which began the 21st of *August*, 1633, and the laws passed at this session are printed on pages 209-222 of Vol. I of *Hening*.²⁴ That this was the second session of the Assembly that met in its first session in *February*, 1632/33, rather than the first session of a new Assembly, is inferred from the fact that the manuscript does not give before the text of the laws the names of the members of the Grand Assembly, as is done elsewhere in this manuscript and in others giving laws. It was customary in these manuscripts to give the names of the members of the General Assembly whenever a new Assembly was convened, but not when an old Assembly met in a new session. It must be remembered that copies of the laws passed at each session were sent to the various counties of the Colony—one copy to each county. Though surprisingly few of these are now in existence, a sufficient number are left to show what must have been the custom in this respect, certainly in later times. It is possible, of course, that the statement cannot be made with certainty for a time as early as 1633.

According to an abstract in the "*Bland Manuscript*" and in the "*Randolph Manuscript*," printed in *Hening*, I, 223, and in the "*Virginia Magazine of History and Biography*," XIII, 391, a meeting of the Assembly was held in 1634. The month is not given. The abstract has to do with the hours of attendance of the secretary of the Colony in his office. At this meeting, also, the Burgesses drew up a petition to the king arguing against a proposal from his majesty that he make a monopoly of the tobacco trade, but no copy of this paper has come down, owing to the fact that the governor, the autocratic Sir *John Harvey*, at this time riding for a fall and the next year "thrust from his government," would not forward it to the home authorities, and the secretary of the Colony and the clerk of the Assembly were afraid to give out attested copies.²⁵ The titles of several of the other acts passed at this session are also known from a section of Act XXXVIII of the session of 1641/42, which is as follows:

"That one Act made in the yeare 1634 requiringe noe wine nor stronge waters to be fould w'thout liffence; That one Act made An^o 1634 comandinge plantinge of vines; That one Act made in An^o 1634 in forceing noe gould nor silver to bee worne on apparell but by Counsellors and there wives; That one Act made in An^o 1634 bindinge seamen not to trade here goods w'thout reddy pay; That one Act made in An^o 1634 entitled a restraint from plantinge; That one Act An^o 1634 comandinge Left. *Popeley* to make good the Middle plantation; That one Act made in An^o 1634 requiringe an office to bee built for the Secretary, bee from henceforth repealed."

The laws for this session of 1641/42, from which the above is quoted, were not found by *Hening*. Many of them have, however, been printed in the "*Virginia Magazine of History and Biography*," IX, 52-59. The preceding paragraph is to be found on page 57.

²³ See p. 66 of the present volume.

²⁴ *Hening's* source for the laws of both these sessions is still the original records.

²⁵ See Wertenbaker's "*Virginia under the Stuarts*," p. 74; also, "*The Virginia Magazine of History and Biography*," I, 416.

An Affembly probably convened on the 20th of *February*, 1634/35, for Governor *Harvey* in a letter dated *January* 27, 1634/5, to Secretary *Windebank*, said that one had been called for that date,²⁶ but nothing is known as to its proceedings.

On the 7th of *May*, 1635, an Affembly came together to receive complaints against Governor *Harvey*.²⁷ This Affembly was called together by the Council and not by the governor and Council, and when it met, the governor, now practically a prisoner, sent a letter stating that the meeting was illegal and ordering that it be discontinued. This order, however, was not obeyed. The Council proceeded to the election of a successor for *Harvey*, and the Burgeffes were called on to ratify the choice. This was done with enthusiasm. The Affembly then drew up a paper directed to the Lords Commissioners of Plantations, the body in *England* then having charge of Colonial affairs, in which was given a catalogue of *Harvey's* misdeeds as governor. This paper has not come down to us. It happened that Governor *Harvey* went to *England* in the same ship which conveyed *Thomas Harwood*, the bearer of the paper; and as soon as a landing was made at *Plymouth*, he prevailed on the mayor of the city to have the paper, with others, taken from *Harwood* and delivered to him. He then went on his way rejoicing to *London*, where he secured an order restoring him to his government.²⁸

Another Affembly convened in *February*, 1635/6, and passed acts only a reference to one of which has been preserved, in a letter written by the governor and Council in 1638(?) to the authorities in *England*. This act was one for restraining excessive purchases of wine, and the governor and Council in 1638(?) wrote that it ought to be revived.²⁹

On the 20th of *February*, 1636/7, an Affembly met and passed a good many laws, but only one of these has been preserved, namely, the 20th act of the session, the object of which was to erect an office the holder of which should keep a register of all tobacco and other commodities exported. This was the first Affembly held by Governor *Harvey* after his return to *Virginia* as governor.³⁰ In a paragraph of Act XXXVIII, however, of the 1641/42 session several other acts of this session are mentioned. The paragraph is as follows:

"That one Act made in An^o 1636 for wine and mulberry trees; That one act made in An^o 1636 givinge lib'tie for attached goods to bee prayled and fould; That one Act made in An^o 1636 forbiddinge transportinge of Cattle; That one Act made in An^o 1636 for plantinge Toba. w'thout restraint; That one Act made in An^o 1636 ratinge sheriffes fees; That one Act made in An^o 1636 requiringe 4^{lb} p. pole for the Mayntenance of a Capt. of a forte and Guarders; That one Act made in An^o 1636 ratinge fees of officers for regestringe Toba. inspected; That an Act made in the yeare 1636 ratinge surveyors fees; That an Act made in An^o 1636 requiringe a wayter to be putt on board ships; That one Act made in An^o 1636 freeing Counsellors from taxes, bee repealed."³¹

²⁶ See the "Calendar of State Papers, Colonial, 1574-1660," p. 195 (44).

²⁷ Hening, I, 223; "Virginia Magazine of History and Biography," I, 422, 427.

²⁸ A very good account of the career of Sir John Harvey is given in Wertenbaker's "Virginia under the Stuarts," pp. 64 ff. This book may be recommended, also, for all the more important events of the whole period covered by the papers embraced in the present volume.

²⁹ See "Calendar of State Papers, Colonial, 1574-1660," p. 268 (98).

³⁰ This act will be found printed in the Appendix to the present volume.

³¹ "Virginia Magazine of History and Biography," IX, 57.

Grand Assembly of 1637/8.

THIS Assembly met in *February*, 1637/38, and remained in session certainly for some time, since important business was transacted, but the exact time cannot be stated. The acts passed by this Assembly have not been handed down, but that one of these had for its object the regulation of both the quality and quantity of tobacco raised in *Virginia*, is learned from a letter written by governor *Harvey* to Secretary *Windebank* dated *March 22*, 1638.¹ At least two other acts of the session, with the one referred to by Governor *Harvey* are mentioned in Act XXXVIII of the session of 1641/2, in the following paragraph:

"That one Act made in the yeare 1637 for regulatinge of Toba.; That one Act made in the yeare 1637 requiringe younge freemen to seat *Chickahominy*; That one Act made in An^o 1637 restrayninge Inholders to sell strong waters, be repealed."²

The fullest account of the proceedings of this Assembly is to be found in the letter written by *Richard Kemp*, secretary of *Virginia*, to Secretary *Windebank*, dated *April 6*, 1638, with which he sent the five documents of the Assembly printed in this volume. This letter, on account of its importance, is printed in the Appendix of this volume.

Of the five documents³ of the Assembly, one contains the propositions made by the king to the General Assembly, especially in regard to tobacco, of which the king wished to make a monopoly. It will be seen from Secretary *Kemp*'s letter that the governor did not communicate these propositions in a speech to the Assembly at the beginning of the session, as would have been done later, but that this duty was performed by Secretary *Kemp* himself. We have no means of knowing whether at this early date it was the custom for the governor to open the sessions of the Assembly with a speech, outlining the work to be done, but presumably it was.

Three of the other four documents are the work of the Burgesses, and one proceeds from the governor and Council. There is no paper of the whole Assembly. The documents present to our view the fight, later to become so familiar, of the governor and Council in active support of the propositions sent over and of the House of Burgesses in determined opposition. It should be remembered, in explanation of this situation, that the members of the Council who had taken part in the expulsion of Sir *John Harvey* from the government more than two years before this had been deposed from office and others put in their places. The Council was at this time thoroughly under the control of the governor.

Both the wording of these papers and the fact that they are communications passing between the governor and Council on one side and the House of Burgesses on the other seem to show that by this time the two chambers sat separately. It may be, however, that in the transaction of routine business and in the passing of laws the members of the Council, the governor, and the members of the House of Burgesses all sat together, as formerly, but that for this important matter, in reference to which the two classes of members were solidly—so far as it appears—opposed to each other, it was thought best that at least a temporary separation should take place.

¹ See "Calendar of State Papers, Colonial, 1574-1660," p. 266.

² "Virginia Magazine of History and Biography," IX, 58.

³ See pp. 57-65. The headings of the documents give sufficient information as to the sources of the text.

Grand Assembly of 1639.

THAT an Assembly met in *October*, 1639, is shown by Act XXIX of the Assembly of *January*, 1639/40, the abridgment of which given in *Hening* is as follows: "The act of 22d 8br. last concerning burgiffes charges repealed, and the act in 1636 revived instead thereof."³⁵ It is also shown by a paragraph of Act XXXVIII of the 1641/42 session, which is as follows:

"That one Act made in An^o 1639 entitled an Act for Contract for freight; That one Act made in An^o 1639 ratinge and vallewinge Tobaccoe; That one Act made in An^o 1639 giveinge lib'tie to transporte Cattle, bee repealed."³⁶ It is also shown by Act LX of the session of 1642/3. This is, in fact, the act of 1639 re-enacted."

It was probably at this session, too, that *George Sandys* was appointed agent for the Colony to attempt to secure a change in the form of government, since 1639 is the year given in a paper drawn up by the 1641/42-42 Assembly.³⁷ It is barely possible, however, that the Assembly referred to may have been the 1639/40 Assembly. Unfortunately, the instructions given *Sandys* have not been preserved.

Grand Assembly of 1639/40.

THIS Assembly met the 6th of *January*, 1639/40, and passed at least thirty-four acts, but no record of the proceedings of the Assembly has been handed down, nor has any document drawn up by it been preserved. *Hening*³⁸ gives abstracts of the acts, copied from the "*Bland Manuscript*;" and in the "*Virginia Magazine of History and Biography*," Vol. II, p. 99, is found a list of members of the Assembly, printed "from a copy made by the late *Conway Robinson* from the original (now destroyed) in the office of the General Court."³⁹

Grand Assembly of 1640/41.

AN ASSEMBLY convened in *January*, 1640/41, for there is a reference to one of the acts of that session in Act LXXII of the session of the Assembly held in *March*, 1642/43. There is a reference to another of the laws in Act XXXVIII of the laws of 1641/42, the paragraph being as follows:

"That one Act made in An^o 1640 presinge toba., bee repealed."⁴⁰

³⁵ *Hening*, I, 229.

³⁶ "*Virginia Magazine of History and Biography*," IX, 58.

³⁷ *Hening*, I, 274, 275.

³⁸ See p. 66 of this volume.

³⁹ See *Hening*, I, 224-229.

⁴⁰ The General Court building, with its contents, was destroyed by fire on the evacuation of Richmond in 1865.

⁴¹ "*Virginia Magazine of History and Biography*," IX, 58.

Grand Assembly of 1641/42-42.

THIS Assembly met the 12th of *January*, 1641/42, and continued in session for some time—exactly how long, it is not possible to say—when it was adjourned to the first of *April*.^a During the first period of its activity there were passed the laws printed on pp. 52-59 of Vol. IX of the "*Virginia Magazine of History and Biography*"—none of these laws is printed in *Hening*—and other laws which have not been found, and a great deal of time was spent in the discussion of other matters, especially of the most important one, probably, of the session, namely, the question of the renewal of the charter of the *London Company*, then being agitated in *England* and *Virginia*. This much may be inferred from the last act passed at that time, that is, Act XL, which was the act adjourning the Assembly to the first of *April*, and from the fact that the paper expressing the final conclusions of the Assembly on the subject, printed in this book on pp. 66-69,^b was ordered to be entered as the 21st act of the session. This seems to indicate that the other laws of the first part of the session were all completed through Act XL—though copies of Acts II-XXX, with the exception of this Act XXI, have not been preserved—and that it was thought best, so far as this very important one was concerned, to await the arrival of the new governor, Sir *William Berkeley*, shortly expected. The paper is, primarily, a statement of the reasons why the majority in the Assembly did not favor the rechartering of the *London Company* or any similar company, but it is also a law, in that it was ordered to be recorded as such and in that the last two paragraphs contain real enactments, prescribing punishment for any who might in the future endeavor to have a company chartered for the government of *Virginia*, and adjourning the session again till the second of *June*.

The formal adoption of this important paper seems to have been the only business transacted at the *April* meeting of the Assembly. Only twenty-one Burgesses signed it, presumably, however, the full membership of the House present. At this time the counties were allowed representation in proportion, roughly speaking, to their population, and the total membership of the House, from the ten counties and one town in the Colony, was about thirty-six.^c

At the *January* meeting of the Assembly now under consideration there were thirty members of the House of Burgesses present, of whom nine were from *James City*. A comparison of the list of members present in *April* with the list of those present in *January* shows that only eleven attended both sessions. Ten new names appear on the *April* list. This seems to show either that some of those elected before the first meeting of the Assembly in *January* failed to attend or that in the period elapsing between the two meetings new members were elected. Possibly it shows both of these things, new members being elected in place of the old ones who had died or become incapacitated.

The Assembly met again, pursuant to adjournment, on the second of *June* and remained in session, presumably, till the first of *July*, for that is the date of the second paper of this Assembly, printed in this volume, entitled "*The Remonstrance of the Grand Assembly*," drawn up in order to explain to the country why the session had been such a long one. This paper names in a general way the many important things that had been done, several of them, undoubtedly, attended to in the month between the

^a There is some uncertainty as to the date. The act adjourning the Assembly, printed in the "*Virginia Magazine of History and Biography*," IX, 58, has the 18th. The first day of the session after the adjournment the important "*Declaration against the Company to be Entered as the 21st Act*" was passed. In the reply of the king to this its date is given as the 1st of *April*. Hence the first of *April* is the date given above.

^b The paper is taken from *Hening*, whose sources were the "*Bland Manuscript*" and the "*Randolph Manuscript*," the latter of which he calls, erroneously, "*Ancient Records of the London Company, Vol. III.*" No copy of the paper has been found in *England*, nor has a copy of the petition that was sent, with this paper, to King Charles I been preserved. The great Civil War had started by the time the papers reached *England*, and they followed King Charles to *York*.

^c Data are insufficient to allow one to make a positive statement. Laws on the subject before the 1645 law have not been preserved, and the lists of members that have been handed down give only the names of those actually present at the meetings.

2nd of *June* and the 1st of *July*, though copies of the laws passed have not been found.⁴⁵ The wording of the last paragraph of this paper seems to show that a large outlay of money had to be made for some purpose. This was undoubtedly to pay the expenses of the representative or representatives of the Colony who took the "Declaration against the Company" to the king, with the petition sent at the same time, and possibly money with which to purchase the king's favor or that of his ministers.

At the opening of this assembly Sir *Francis Wyatt* was governor, he having been sent over to succeed Governor *Harvey* in the latter part of 1639, and at its close Sir *William Berkeley* had assumed the reins of government. *Berkeley* came over some time before the first of *April*, and he signed the Declaration, taking the side of the majority of the Assembly and the country.

The papers were duly presented to the king, who on *July 5* sent from *York* a most favorable reply, directed to the governor, Council, and Assembly.⁴⁶ Since the paper is so directed, it is printed in this volume as an Assembly document, and is not relegated to the Appendix as illustrative or cognate material. The Journal of the next session of Assembly in all probability contained it.

Grand Assembly of 1642/43.

THIS Assembly met the 2nd of *March*, 1642/43, and continued in session for some time, for it passed seventy-three laws, accomplished, in fact, a revival of the whole body of the laws; but no record of its proceedings has been found, nor any of the documents of the session. The laws are all printed in *Hening*, I, 238-282, from a manuscript volume now in the Library of Congress, which was purchased with the library of *Thomas Jefferson*.⁴⁷

Grand Assembly of 1643/44-44.

THIS Assembly met first on the 2nd of *March*, 1643/44, but as soon as the oaths of allegiance and supremacy were administered to the members, it was adjourned to the 1st of *June*, 1644. Then it met and passed the laws and orders of the session, the former of which have largely to do with means of protection against the *Indians*, who had recently, under the leadership of *Opecananough*, accomplished an extensive massacre of the colonists. Neither the laws nor the orders of the session are found in *Hening*, but are printed in the "*Virginia Magazine of History and Biography*," XXIII, 228-238, from a manuscript recently discovered in the office of the clerk of the court of *Norfolk County* in *Portsmouth, Virginia*. In this manuscript the laws and the orders are written in separate lists, which shows that by this time a clear distinction was made between the two. The orders are from this time on always introduced by the formula "it is ordered" or "be it ordered." In accordance with the precedent set in the volume of the "Journals of the House of Burgesses" immediately preceding this one, the orders of the Assembly from this session on are printed in the present volume.

The orders of the *June*, 1644, session will be found on page 71. They were passed on *June 3*. The session lasted only three days. It will be seen from the third order passed that the Assembly was not dissolved, but merely adjourned till the 15th of the following *November*.

⁴⁵ We see, however, in the laws of a later session several references to laws passed at this session, namely, in the following acts of the March, 1642/3, session: XLVIII, LIII, LIV, LV, LVI, LVII, LVIII, LIX, LXII, LXVII, LXIX.

⁴⁶ He attached his signature to their "Declaration against the Company to be Entered as the 21st Act," and thus this became a fixed law of the Colony, in so far as the king's signature in those times of upheaval could make it one. This seems to be the first instance in which a Virginia law was signed by the king of England.

⁴⁷ By *Hening* it is called the "Randolph Manuscript," it having been at one time the property of Sir John Randolph, from whom it was transmitted to his son, Peyton Randolph, after whose death it was purchased by Thomas Jefferson. This volume must not be confused with the "Randolph Manuscript" in the Virginia Historical Society library, which has been already described. It is a compilation embracing most of the laws and many of the orders passed by the General Assembly from 1642 to 1662, with a few excerpts from the Journals. For the period which it covers it is *Hening's* principal source.

Grand Assembly of *October*, 1644.

BEFORE the adjourned session of the Assembly of *June*, 1644, could be held, an entirely new Assembly was called together by Acting Governor *Richard Kemp* and the Council. Governor *Berkeley* had gone to *England* to get assistance in the emergency occasioned by the *Indian massacre*, and Secretary *Kemp* was acting-governor in his place. The laws passed at this session are printed in *Hening*.⁴ The only order of the session—or the only order preserved—is printed in this volume on page 72, from the “*Virginia Magazine of History and Biography*,” whose source is the “*Norfolk County Manuscript*.”

Grand Assembly of *February*, 1644/45.

THE next Assembly called held a session in *February*, 1644/45, beginning the 17th of the month. The acts are all given in *Hening*,⁵ with the exception of one, which is found in the “*Virginia Magazine of History and Biography*,” XXIII, 239, taken from the “*Norfolk County Manuscript*.”

Grand Assembly of 1645/46.

ANOTHER Assembly was called to meet on the 20th of *November*, 1645. By this time Governor *Berkeley* had returned from *England* and was in his proper place as chief of the Colony. All the laws passed at this session are found in *Henings*⁶ except one, and this is printed on page 240 of Vol. XXIII of the “*Virginia Magazine of History and Biography*,” from the “*Norfolk County Manuscript*.”

The Assembly was not dissolved at the close of the session, the date of which cannot be given, but prorogued until the first of the following *March*. Meeting at that time, it passed twenty-five acts, all of which are given in *Hening*,⁷ and at least two orders, which are printed in this volume⁸ from the “*Virginia Magazine of History and Biography*,” XXIII, 241, whose source is the “*Norfolk County Manuscript*.”

Grand Assembly of *October*, 1646.

ANEW Assembly was called to meet on the 5th of *October*, 1646. It is not known how long the session lasted. Twenty-nine laws were passed, all of which are given in *Hening*.⁹ However, Act XXVIII, which is the levy act of the session, is not given in full, that is, the amounts to be raised in each county and the amounts to be disbursed in each county are not given. These amounts, however, for Lower *Norfolk County*, are to be found in the “*Virginia Magazine of History and Biography*,” copied from the “*Norfolk County Manuscript*.”¹⁰

⁴ See *Hening*, I, 282-289.

⁵ See *Hening*, I, 289-298.

⁶ See *Hening*, I, 299-309.

⁷ See *Hening*, I, 309-321.

⁸ See p. 73.

⁹ See *Hening*, I, 323-338.

¹⁰ At that time in Virginia history a manuscript copy of the laws and orders passed at each session of the General Assembly was sent to the clerk of the county court in each county—that is, of all the general laws, but of the special and local laws and of the orders there were copies only of such as would be of local interest in the county to which any particular manuscript was sent. It was felt that it would not be necessary to send, for example, the private acts and orders affecting inhabitants of Northumberland County to Henrico or Charles City, or *vice versa*. It happens, accordingly, that some of these manuscript copies contain laws and orders not found in others.

Grand Assembly of 1647/48.

THIS Assembly met first the 5th of *April* and continued in session long enough to pass the two acts given in *Hening* on pp. 340-341 of volume one, and to draw up and adopt the "Declaration concerning the *Dutch Trade*" printed in this volume of the Journals on p. 74. *Hening* erroneously assigns the two acts to the *November* session of the Assembly. The correct date is ascertained from the "*Norfolk County Manuscript*."

The second act of this session is in part as follows:

"Be it enacted by this present Grand Assembly that the Assembly be adjourned until the first day of *October* next, and that all members of both houses do then give their attendance at *James City* without any pretence whatsoever to the contrary, * * * "

If the Assembly came together at that time, however, and presumably it did, for the law is plain, and the governor would hardly have prorogued the Assembly to a later date in the face of the law, it seems to have come together only long enough to pass an order to adjourn till the 3d of *November*. Meeting at that time, it passed the acts printed in Vol. I of *Hening* on pp. 341-352, and the acts and parts of acts printed on pp. 247-255 of Vol. XXIII of the "*Virginia Magazine of History and Biography*," from the "*Norfolk County Manuscript*."

This Assembly held another session, beginning the 12th of *October*, 1648, the laws passed at which are printed on pp. 352-357 of Vol. I of *Hening*.

The statement that this session was an adjourned session of the Assembly of 1647, and not the first session of a new Assembly, is made solely on the ground that no list of members of the Assembly is given in the manuscript before the acts. As has been stated, in the case of new assemblies the manuscript copies of the session laws give, invariably, it is supposed, the names of the members of the Assembly, but do not give them in the case of adjourned sessions. In the present case no list appears.

The last act of this session adjourned the Assembly to the 10th of *February*, 1649/50; but if any meeting took place at that time, no record has been preserved.

Grand Assembly of 1649.

THIS Assembly met the 10th of *October*, 1649, and passed the laws printed in *Hening* on pp. 359-362 of Vol. I., but nothing further is known in reference to it. This was the first assembly meeting after the execution of *Charles I.*

Grand Assembly of 1650/51.

THE *English* Parliament, on *October* 3, 1650,¹ passed an act forbidding all trade whatsoever between *Virginia* and the outside world, with the object, of course, of compelling *Virginia* to submit to Parliamentary control, the Colony having up to this time been most recalcitrant.² But the governor of *Virginia* and the majority of the Council and of the House of Burgesses looked upon the act as a threat which it would be impossible to enforce, and in a session of the Assembly that met in *March*, 1650/51, answered most defiantly. The speech of the governor to the Assembly and the declaration drawn up by the Assembly are printed from the "*Virginia Magazine of History and Biography*," I, 75-81, whose source was a copy in the *Virginia State Library* of a pamphlet in the Library of *Trinity College, Dublin, Ireland*.

¹ *Hening*, I, p. 341.

² The date as given in the Declaration of the Assembly printed on p. 76 of this volume is an error. It should be 1650 and not 1651.

³ See the first act passed by the Assembly of 1649, *Hening*, I, 359-361.

The paragraph giving the proceedings of the Assembly after the governor had finished his fiery speech is as follows:

"This speech being ended the pretended Act of Parliament was publickly read in the Assembly where upon (at the motion of the House of Commons to the Governour and Councill) this following vindication was unanimously agreed on."

This seems to indicate that the House of Burgesses—here for the first time called "House of Commons," as it was occasionally afterward—at this session sat as a separate chamber. The meaning of the passage is taken to be that the act of Parliament was read to the two chambers in joint session and that the "vindication" "unanimously agreed on" was unanimously agreed on first by the House and then by the governor and Council.

Grand Assembly of 1651-1651/52.

A VERY interesting historical paper found among the records of *Northampton* County seems to indicate that a session of the Assembly was held in *September*, 1651, but of this session nothing further is known. One paragraph of the paper is as follows:

"*Imprimis.* Wee the Inhabitants of *Northampton* Countie doe complayne that from tyme to tyme (particular yeares past) wee have been submitted & bine obedient unto the paymt of publeq Taxacons. Butt after ye yeare 1647, since yt tyme wee Conceive & have found that ye taxes were very weightie. But in a more espetiall manner (undr favor) wee are very sensible of the Taxacon of fforty fixe pounds of tobacco p poll (this present yeare). And desire yt ye same bee taken off ye charge of ye Countie; furthermore wee alledge that after 1647, wee did understand & suppose or [our] Countie or *Northampton* to bee disioynted & sequestered from ye rest of *Virginia*. Therefore that Llawe wch requireth & inioyneth Taxacons from us to bee Arbitrarye & illegall; fiorasmuch as wee had neither summons for Ellecon of Burgesses nor voyce in their Assemblye (during the time aforesd) but only the Singlur Burgess in *September*, Ano., 1651. Wee conceive that wee may Lawfullie pteft agt the Pceedings in the Act of Assemblye for publiq Taxacons wch have relacon to *Northampton* Countie since ye year 1647."

The paper as a whole consists of a set of instructions drawn up for the guidance of the Burgesses for *Northampton* County in the *April*, 1652, Grand Assembly by a committee of the people of the county. It is dated *March* 30, 1652. It is printed in full in *Jennings Cropper Wife's* "Early History of the Eastern Shore of *Virginia*," pp. 139-140.

The Assembly found out, contrary to expectations, that the Parliamentary government was prepared to force the Colony to capitulate. An *English* fleet of sufficient strength sailed up the *James* in the early spring of 1651/52, and the governor, after an appropriate show of resistance, very sensibly yielded. He called the members of the Assembly together, however,²⁸ and proceedings reminding one of the proceedings taking place in the case of two equal powers were carried through between the *Virginia* Assembly and the Parliamentary Commissioners, two out of three of them being themselves, indeed, *Virginians*. The Commissioners allowed the Assembly the most lenient terms, and the Colony acknowledged the supremacy of Parliament. The terms agreed on are contained in the paper entitled "Articles at the Surrender of the Country," agreed upon by the Commissioners and the Assembly, and in the subsidiary paper agreed upon by the Commissioners and the governor and Council, its articles having to do with the rights and privileges of Sir *William Berkeley* and the members of his Council under the new government that was to be set up. Both the papers are printed in this volume—on pages 79-81—the first of manifest right, it being in the strictest sense a document of the Assembly,

²⁸ It seems probable that this was not a new Assembly, but the Assembly which had already held a session in 1651.

and the second, though not a document of the whole Assembly, only a document of one branch of the Assembly, having so close a connection with that document that it would seem improper to separate the two. The proclamation of indemnity, called an "Act of Indemnity," issued by the Commissioners, is also given, to complete the story. It was, undoubtedly, communicated to and read before the Assembly, in this way becoming a document of the Assembly in much the same sense in which the letter of *Charles I* to the Assembly in 1642 became an Assembly document.

Grand Assembly of *April-May*, 1652.

THE Parliamentary Commissioners, having been given power by the Council of State in *England* to call a meeting of the Burgesses, proceeded to do so, in order to draw up a plan of government for the Colony till the government should be definitely arranged by the authorities in *England*, at this time, the spring of 1652, the Parliament, with the Council of State acting as an executive. This House of Burgesses and the Commissioners acting with them formed a kind of constitutional convention, and their work, owing to the peculiar situation of affairs existing in *England*, was allowed to stand, with little interference, till the close of the commonwealth period. According to the framework drawn up, the Burgesses were to be the seat of power, electing both the governor and the members of the Council, who were to assist the governor in executive and judicial matters. The Assembly at the start consisted of the members of the House of Burgesses and the Parliamentary Commissioners, and then, after the governor and members of the Council had been elected, of these in addition. It seems to have been unicameral throughout.

The Assembly met the 26th of *April* and remained in session for some time, though the exact date of adjournment cannot be given. It does not seem that any laws in the usual sense were passed, most of the time of the Assembly being taken up with constitutional questions. At least one petition, however, was handed in to the Assembly, which was granted. Unfortunately, the full proceedings have not been handed down, but the paragraphs that have been preserved, being dated and having in places somewhat of the journalistic style, have more of the appearance of a true journal than any proceedings going before.

The proceedings as printed in this volume are from two different original sources, namely, the Library of Congress "*Randolph Manuscript*," mentioned before, and a manuscript in the Library of Congress in the handwriting of *Thomas Jefferson*, called by *Hening* the "*Jefferson Manuscript*."⁹ Most of what appears in these two manuscripts concerning the present session is printed in *Hening*;¹⁰ but one paragraph in the "*Randolph Manuscript*" not used by *Hening* is found in the "*Virginia Magazine of History and Biography*," VIII, 386, 387.

⁹ Jefferson wrote at the beginning of this manuscript, "Copied from Mercer's Ms. by Thos. Jefferson." The Mercer here spoken of was probably the distinguished lawyer, John Mercer, of "Marlborough," the author of the "Abridgement of the Laws of Virginia," the first edition of which was published at Williamsburg in 1737. The manuscript has in it some of the acts and orders passed at the several sessions from April 1652 to March, 1660/61, being much fuller for the last session covered than for any other.

¹⁰ See *Hening*, I, 371-373.

Grand Assembly of *November, 1652.*

THE Assembly met again on the 25th of *November, 1652.* It does not seem to have passed any laws in the usual form—at any rate none of these has been handed down. It, however, considered a number of questions of importance, and gave judgment in reference to them by means of orders. Especially are the orders in the law cases, in which the Assembly acted as the court of last resort in *Virginia*, of interest. Appeals to the Assembly in law cases had been allowed for some time,⁴ and no doubt many cases had come up, but this is the first session for which we have record of them.

The sources of information for this session are the same as those given for the preceding session.

Grand Assembly of 1653.

THIS Assembly met the 5th of *July* and continued in session certainly till the 13th of the month, that being the last date given in such of the proceedings of the Assembly as have been preserved, and probably much longer.

The sources of the text of the proceedings printed in the present volume from *Hening* and the "*Virginia Magazine of History and Biography*" are the "*Randolph Manuscript*" of the Library of Congress, the "*Jefferson Manuscript*," and the "*Bland Manuscript*," the "*Virginia Magazine of History and Biography*" going back to the "*Bland Manuscript*" through the "*Randolph Manuscript*" of the *Virginia Historical Society*, which, as has been said, is a copy of the "*Bland Manuscript*" of the Library of Congress.

The "*Bland Manuscript*" is, as has also been said, a collection of transcripts and of abstracts of official *Virginia* records or possibly in some cases of copies of these. Usually such orders as are given are copied in full, and occasionally a few paragraphs are taken from the Journals of the several Assemblies, but, unfortunately, in no case has an entire Journal been copied, the compiler taking only such parts of the originals as seemed to him to be most important. The compiler, too, has not always done his work very satisfactorily, there being here and there evident errors in transcription, careless abstracting, and failure to copy a sufficient amount from the original records to give the full story of a transaction. The last of these faults is well illustrated in the case of the material appearing in this volume on pp. 86-88, especially that part of it giving the proceedings in the case of Captain *Abraham Read*. The full charge against Captain *Read* is given, Captain *Read*'s acknowledgment of his errors, and the order of the Assembly in the matter, with the date. But then, without date, comes the petition of the offender, which must have been written several days after the order of the Assembly—the wording of the petition shows this—and the disposition made of the petition is entirely omitted. Having commenced with the case of Captain *Read*, the compiler should have been careful to give the whole story, so far as the records permitted. Despite its imperfections, however, the "*Bland Manuscript*" is, in the loss of the original records, of the very highest importance as a source of *Virginia* history.

⁴ See *Hening*, I, 272.

Grand Assembly of 1654-55.

THIS Assembly held two sessions, one in *November*, 1654, and the other in the following *March*. The first session began on the 20th of *November*, but the date of its close is not known. Most of the orders and proceedings—such of them as have been preserved—are given in the present volume on pp. 93 and 94, from the sources described above. However, several of them and one or two sentences evidently from the Journal were overlooked because of a misunderstanding on the part of the editor of this volume of a statement made by *Hening*. This omitted material appears below. *Hening* says on p. 388 of Vol. I: "Here follow in the *Rand.* and *El.* Mss. the decisions of the Grand Assembly, in various civil actions, but they are not of sufficient importance to justify their insertion." The editor supposed from this that the "*Randolph Manuscript*"—that is, the "*Randolph Manuscript*" of the Library of Congress—and the "*Bland Manuscript*" had the same material which *Hening* omitted, and supplied in the text the material contained in the former of these manuscripts as given in the "*Virginia Magazine of History and Biography*," VIII, 387, 388, but an examination of the "*Bland Manuscript*" shows that it does in fact contain additional material. This material is, of course, also in the *Virginia Historical Society* "*Randolph Manuscript*," but it was not given in the "*Virginia Magazine of History and Biography*" when this periodical published such parts of the manuscript as had not already found their way into print, which was done some years after similar treatment had been given the Library of Congress "*Randolph Manuscript*." The editor of the "*Virginia Magazine of History and Biography*" probably interpreted *Hening* as, later, the editor of the present volume of the Journals interpreted him. Hence the paragraphs of the "*Bland Manuscript*" omitted by *Hening* appear here, it is believed, for the first time in print. They are as follows:

"It is ordered by this present Grand Assembly in the Difference between Capt. *Thos. Willoughby* and *Bartholomew Hodgeskins* that *Hodgeskins* the then Sheriff is no way liable to make *Willoughby* any satisfaction and the former proceedings against the said *Willoughby* of the Assembly were grounded upon very good Reasons because it appeareth that the said *Willoughby* was not sworn nor acted as a Counsellor of this Country before the Levy was made which he refusing to pay occasioned all the Damage which in this petition he doth pretend to.

It is Ordered that the Suit between Capt. *Thos. Willowby* and Coll. *Francis Yeardley* be Dismissed and and that Capt. *Willowby* allow Costs to Coll. *Yeardley*.

It is ordered that Leiut. Coll. *Swan* is not liable to give any satisfaction to *Karby Kiggan* or to be further molested by him for that we find not any action Entred against the party as appeareth by Certificate under the Cl. hand of that Cnty.

It appears that *Cornelius Loyd* Deceased was justly Indebted by his own acknowledgement in a Bond of five hundred pounds Sterling to *Edward Sanderfon* for which Judgment is now given.

It is Ordered that the Difference between *W^m Deynes* and *Tho^s Purfrey* be referred to the next session.

It is Ordered that M^r *Francis Emperour* Satisfye unto Coll. *Burbage* and Coll. *Dew* one third part of the advance laid upon the Cargoe of the Ship *John* and also to bear one third part of the Loss of the Goods of the Cargoe and a third part of the Charges Expended after the Sale of the ship because he hath Record'd a third part of the Cargo.

The Com. appointed to make inquiry of the dues of the Country and to proportion the Levies.

Majr. *John Carter* Capt. *Henry Perry* M^r *Wm. Walters* Capt. *John Moon* M^r *John Sheaphheard*."

The House and the Council had by this time evidently resumed the practice of sitting separately, as is concluded from several pieces of evidence in the proceedings. The first piece of evidence is furnished by the first order given. This was passed by the

House of Burgesses alone. It concerned the speaker of the House, Colonel *Edward Hill*, and, accordingly, it was not necessary that the Council should concur in it. The words, however, "it is therefore ordered by this house" show that there were two chambers, for, had there been only one—if the Council and the Burgesses had been sitting together—the wording would have been, as is the case with the other orders of the session, "it is ordered by the Assembly," or "the Grand Assembly." Secondly, the names of the House members of the Committee for Private Causes are given, and then the statement is made that Colonel *William Clayborne*, Colonel *William Taylor*, and *Edward Diggs, Esq.*, were added to the committee. These three gentlemen were members of the Council. Had there been only one chamber, there would have been no distinction in naming the committeemen. In the third place, the governor sent a communication to the House stating that the governor and Council had called Mr. *Edward Diggs* to be a member of the Council and asking that the House, or "Assembly," as he called the House, consent to the selection. It will be remembered that the House was the source of power at this time.

The Assembly adjourned to the 20th of *March, 1654/55*. The items given in this volume on pp. 95-98, under the heading "Some of the Proceedings of the 1654/55 Session," were all taken by the editor of the present volume, when the text of the volume was being secured, to belong to the 1654/55 session, despite difficulties, because the Library of Congress "*Randolph Manuscript*," the original source of the text, has the material in this order.⁶²

On further consideration it appears to the editor that the compiler of the manuscript has in fact, however, inserted several paragraphs that do not belong to the 1654/55 session, but to the 1655/56 session. He, beyond doubt, put the acts of the *March, 1655/56*, session before those of the *March, 1654/55*, session, dating both 1655,⁶³ and in the same way has confused somewhat the two sessions so far as the orders and extracts from the Journals are concerned. Unfortunately, the "*Bland Manuscript*" can be of no assistance in straightening out the tangle, for the reason that this manuscript has no entries for these two sessions, except the acts for the 1655/56 session. The "*Randolph Manuscript*" of the Library of Congress is our sole reliance, and the text given in this volume, on pp. 95-98, follows the order of that manuscript exactly, all the items being put under the 1654/55 session. However, an examination of the individual items shows that several should probably be assigned to the 1655/56 session, the first session of a new Assembly.

The list of members of the 1654/55 session, which was an adjourned session from the preceding *November*,⁶⁴ must have been about the same as the list for that session, which is given in the "*Randolph Manuscript*" of the Library of Congress, and printed in *Hening I*, 386, in *Stanard's "Colonial Virginia Register,"* pp. 71, 72, and in the present volume of the "*Journals of the House of Burgesses*," on p. xxii. A comparison of the names of the members of the Committee of Private Causes, the first item given, with the names of the members of the House for the *November, 1654*, session, and presumably for the *March, 1654/55*, session, shows that these do not correspond, and that accordingly this Committee of Private Causes must be for the 1655/56 session. It is true that this session of *March, 1654/55*, was adjourned to the following *March*,⁶⁵ and that the "*Randolph Manuscript*" gives no list of members, before the acts of the latter session, for that session, and that usually under such circumstances this would be taken to indicate that the *March, 1655/56*, session was a session adjourned from the *March, 1654/55*, session. This cannot be, however; for the acts of the *December, 1656*, session, as given in the "*Randolph Manuscript*" and

⁶² For the confusion existing in the "*Randolph Manuscript*" in respect to the dating of the laws for the sessions of *March, 1654/55*, and *March, 1655/56*, see *Hening I*, 393-395, 404, 410. This confusion and the further confusion in reference to the orders and the excerpts from the Journals are the result, of course, of the use of the "old style" in dating some of the manuscript sources of the "*Randolph Manuscript*" and of the "new style" in dating others, and the failure of the compiler to make allowance for this.

⁶³ See *Hening, I*, 393, 404, 410.

⁶⁴ See p. 94.

⁶⁵ See p. 97.

printed in *Hening*, are headed as follows: "At a Grand Assembly held at *James City* by prorogation from the 10th of *March*, 1655, to this instant, first of *December*, 1656, wherein was enacted as followeth." This shows that the *March*, 1655/56, session was the first session of a new Assembly; in other words, a general election had been held. Even if this evidence were lacking, the very names of the committee would warrant the assertion; for of the twelve House members of the committee only two were members of the *November*, 1654, session, and it is unbelievable that unless there had been a general election the membership of the House could have changed so greatly. Moreover, Colonel *Thomas Dew* is recorded as one of the two Council members added to this committee. Now, Colonel *Dew* was a member of the House at the *November*, 1654, session, and at the *March*, 1654/55, session till *March* 31, 1655, when he was elected by the House a member of the Council.⁶⁵

Almost certainly, then, this committee belonged to the 1655/56 session, which was the first session of a new Assembly that held its second and final session in *December*, 1656. By familiar reasoning the Committee for the Levy and the Committee concerning the Act for Markets belong to the *March*, 1655/56, session, and possibly the two items in reference to Mr. *John Page* and Colonel *John Flood*. Other items, possibly—in fact, probably, for there is no reason to think that the 1655/56 session was less active than its immediate predecessor—belong to the later session, but sufficient data are not at hand for identification.

Grand Assembly of 1655/56-56.

THIS Assembly, as did the Assembly of 1654/55, held two sessions, the first in *March*, 1655/56, and the second in the following *December*. Of the first session of the Assembly sufficient has been said above. The second session began the first of *December* and continued certainly through the 15th—for two letters written by the Assembly bear that date—and possibly longer. It passed various acts and orders, given in the manuscripts already described, some of them in one manuscript and some in another, printed in *Hening's* "Statutes at Large" and the "*Virginia Magazine of History and Biography*,"⁶⁶ and drew up letters to *Oliver Cromwell*, lord protector, and *John Thurlow*, secretary of state, and instructions to *Edward Diggs*, appointed agent of the Colony in *England*. All the orders are printed in this book, including one classed by *Hening*, by oversight, as an act, as are the letters and instructions referred to above, which are printed from *Burk's* "*History of Virginia*," II, 116-117, *Burk* having copied them from the "*Bland Manuscript*."

⁶⁵ See p. 97.

⁶⁶ See *Hening*, I, 414-428, and the "*Virginia Magazine of History and Biography*," XVII, 128-132, and VIII, 390-391.

Grand Assembly of 1657/58-58.

THIS assembly met the 13th of *March*, 1657/58, and continued in session certainly through the 3rd of *April*, 1658, and possibly longer. The proceedings printed in this volume are not the full Journal of the House for this session, but they come much nearer being a full Journal than any proceedings which have gone before, and are evidently—except in the case of the few orders of the whole Assembly preserved and printed—the proceedings of the House alone.

The session was an unusually important one. At it was passed a body of revised laws, one hundred and thirty-one in number, prepared by a committee of revision appointed at the preceding session,⁶⁸ and there occurred a stiff dispute between the House of Burgesses and the governor and Council as to the relative powers of the two, the House coming off triumphant. Fortunately, the compiler of the Library of Congress "*Randolph Manuscript*," to which the text given in this volume goes back, gives sufficiently full extracts from the original Journal to enable the reader to get a pretty clear understanding of the situation. The proceedings as printed in this volume follow the order as given in the "*Randolph Manuscript*;" and one or two items omitted both by Hening and in the "*Virginia Magazine of History and Biography*" have been inserted.

The House on *March* 26 voted that at the close of the session the Assembly should not be dissolved, but should be adjourned to the 1st of *November*.⁶⁹ Whether or not it met at that time is not known, none of the proceedings having been preserved.

Grand Assembly of 1658/59.

THE next session of Assembly—and it was a session of a new Assembly—began the 7th of *March*, 1658/59, and continued through the 15th of *March*—which is the date of the last proceedings given in the Library of Congress "*Randolph Manuscript*"—and probably longer. Very important laws were passed,⁷⁰ and constitutional questions settled. As in the case of the proceedings of the preceding session, the material printed, the Library of Congress "*Randolph Manuscript*" being the source, has been given in the order in which it appears in that manuscript. As in the former case, the proceedings are those of the House sitting separate from the Council and have the appearance of the later Journals of the House. Much material in the original Journal, however, is evidently omitted.

The Appendix.

The material in the Appendix may be described briefly as follows:

The first paper is a law drawn up by the governor and Council in the period after the revocation of the charter of the *London Company* and before the meeting of the first Grand Assembly called together by authority of the king. The term "law" seems to be the proper one in the premises, for during that period the governor and Council made up the law-making body as constituted by the proper authorities in *England*. The law seems to have a warrant to be inserted here because it furnishes an interesting example of the kind of laws promulgated by the governor and Council at this time, and it has—so far as the editor of the volume knows—never been printed before. The original is a manuscript in the Library of Congress which is almost certainly the original copy of the law preserved by the clerk of the Council.

⁶⁸ For these laws, see Hening, I, 432-494.

⁶⁹ See p. 107.

⁷⁰ Hening, I, 516-525.

The next three papers are letters written by the governor and Council at the close of the Grand Assembly of 1628/29 to powerful noblemen in *England* requesting their influence in the prevention of the tobacco monopoly at that time under contemplation by the king. They supplement the papers drawn up by the whole Assembly, and are the letters referred to in the commission of the General Assembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marfhar* constituting them agents to manage the case of *Virginia* at this important juncture.⁷¹ They are directed, respectively, to Viscount *Mandeville*, the Earl of *Dorsett*, and Lord *Delaware*. The first of these, *Henry Montagu*, Viscount *Mandeville*, was at that time president of the Privy Council; the second, *Edward Sackville*, the Earl of *Dorsett*, was a member of the Privy Council, had always shown great interest in *Virginia* affairs, and was to be appointed in 1631 a member of the commission named to advise some course for the advancement of the planting of *Virginia*; the third, *Henry West*, Lord *Delaware*, was the son of the Lord *Delaware* so closely connected with the earlier history of the Colony.

The text is obtained from contemporary copies of the originals, these copies being now in the Library of Congress. The letters have never been printed in full before.

The original of the next paper, which is in the *British* Public Record Office, the text here presented being from the "*Bancroft Transcripts*," has endorsed on it in the handwriting of Viscount *Dorchester*, Secretary of State, "The Government of *Virginia*'s Memorial." The form of it, however, shows it to be, not the memorial as drawn up by the government—that is, the governor and Council—of *Virginia*, but the substance of this memorial as made by Viscount *Dorchester*, or, possibly, made for him by a clerk. The paper is not dated, but is in the "*Calendar of State Papers*" given the date of "*April* ?, 1630." It is inserted here merely because it is of interest as throwing light on the history of the time and because it has never been printed before.

The next document, printed on pp. 124, 125, is a letter from the governor and Council of *Virginia* to the commissioners named in *England* in 1630 to examine into the condition of *Virginia* and suggest means for its improvement. It is the companion paper of the petition drawn up at the same time by the House of Burgesses,⁷² and is, like that paper, erroneously laid in the heading given it by the editor, following the "*Bland Manuscript*," to be directed to the Privy Council.⁷³

The printing of the twentieth act of the Grand Assembly of 1636/37, next in order, was decided on, because this act, not given in *Hening*, and not printed in full anywhere, so far as is known to the editor, is the sole existing discovered monument of the Assembly which brought it into being.

The letter from *Richard Kemp*, Secretary of the Colony of *Virginia*, to Sir *Francis Windebank*, Secretary of State, dated *April* 6, 1638, gives a contemporary account of the important session of the Assembly of 1637/38, and is, therefore, of course, well entitled to a place in this Appendix.

The bill of sale of the ship *Leopoldus* to *Walter Chiles* is of importance as showing the participation of the House of Burgesses in the commonwealth period in executive transactions. For the order of Assembly setting forth that the ship should be sold, see p. 91.

The letter from *Henry Lawrence*, Lord President, and Council of State to the governor and General Assembly of *Virginia*—the term "General Assembly" is used in the letter, and not "Grand Assembly," though the latter was the term used in *Virginia* at the time for the colonial legislature—might from one point of view have been more properly printed in the body of this volume than in the Appendix, for it is a communication to the General Assembly, such a communication as the letter from King *Charles* I to the governor, Council, and Assembly of *Virginia* printed on p. 70. Such a communication was always undoubtedly read before the full Assembly at the session following receipt and spread upon the Journal, certainly of the House, and possibly of the Council if at that time the

⁷¹ See pp. 50, 51.

⁷² See pp. 55, 56.

⁷³ See the statement on p. xxxiii of this Preface in reference to the error.

Council kept a Journal of their proceedings as a branch of the legislative body, which, indeed, is very doubtful. Thus from the point of view of *Virginia* the letter would become a legislative document. If this letter was actually sent to *Virginia* and received there, it would have been read at the session held in *November*, 1654, and spread upon the Journals, and certainly the compiler of the Library of Congress "*Randolph Manuscript*" or the compiler of the "*Bland Manuscript*" would have thought it of sufficient importance for him to copy it in full. It has, however, been noticed by neither. Furthermore, the letter contains the following injunction relative to the continuance of Colonel *Bennett* in the office of governor of *Virginia*: "And to the intent it may not suffer any Inconvenience by the unfixednes of the governm^t His Highnes hath though fitt to Continue Colonnell *Bennett* (of whom his Highnes hath received a good Character) in execution of the place of Governor, till his Highnes shall further signifie his pleasure in that behalf, which you may in probability expect by the next Ships." However, the fact is that, though so far as is known no further communication was in the meanwhile received on the subject in *Virginia*, the House of Burgesses on *March* 31, 1655, elected *Edward Diggs* as governor. It is argued that had the House of Burgesses had the letter from which the above extract is taken, they would hardly have been so bold as to go counter to the instruction. Since, then, some uncertainty exists as to whether the letter was received in *Virginia*, it has been printed in the Appendix to this volume rather than in the main body of the volume.

The next paper in the Appendix, namely, the order of the Council of State in *England* in reference to the appointment of a governor in *Virginia*, dated *December* 18, 1657, is merely given as interesting and important subsidiary historical material, although nothing came of the recommendation to the lord protector made therein.

The next paper, namely, the order of the House of Burgesses in the 1657/58 session naming the governor and Council of *Virginia* until the next meeting of the Assembly or until the further pleasure of the supreme power in *England* should be known, should have been printed, undoubtedly, in the body of this volume, as are the similar orders of the Commonwealth period,¹⁴ but was omitted by oversight. However, the same list is given in the proceedings on p. 113, but not in the same order. It will be seen from what is there given that the governor named the members of the Council in the first place, and that they were confirmed by the House. The order given in the Appendix is the formal order placed in front of the laws for the year. It should be dated some time after the 3d of *April*, the date of entry in the Journal, above referred to.

The paper next in order is the order of the Council of State, dated *August* 31, 1658, setting forth the reasons why they were impelled to write a letter of advice and instruction to the governor and Council of *Virginia*, and giving the letter in full. Before the letter could be dispatched, however, *Oliver Cromwell* died, and it was necessary to change somewhat the wording.

The changed letter duly appears incorporated in the Journal of the House of Burgesses for the 1658/59 session and was copied therefrom in full by the compiler of the Library of Congress "*Randolph Manuscript*." Accordingly, it appears in the body of this volume.

The last paper appearing in this Appendix consists of certain orders of the *March*, 1660/61, Assembly, and should have been printed in the preceding volume of this series with the mass of other orders of that session printed there,¹⁵ but they were not found by the editor in time. They are printed here from the "*Virginia Magazine of History and Biography*," from the Library of Congress "*Randolph Manuscript*," which is the source of those, also, printed in the preceding volume from *Hening's* "*Statutes at Large*."

¹⁴ See pp. 82 and 97.

¹⁵ See "*Journals of the House of Burgesses, 1659/60-1693*," pp. 11-13.

A REPORTE

of the Manner of Proceeding
in the

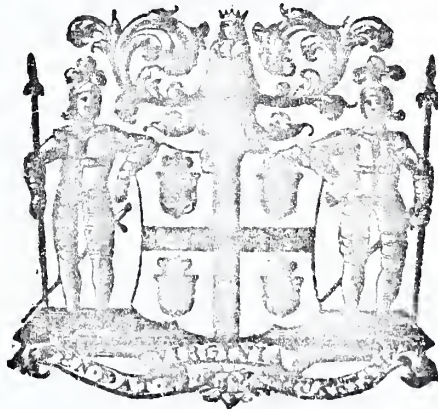
GENERAL ASSEMBLY

Convented at

JAMES CITT^y IN VIRGINIA,

JULY 30. 1619

Consisting of the Govern^{or}, the Counsell of Estate, and
two Burges^{ses} elected out of eache Incorporation, &
Plantation, & being dissolved the 4th of *August* ensuing.



RICHMOND, VIRGINIA.

MCMXV.

A R E P O R T E

of the manner of proceeding
in the

GENERAL ASSEMBLY

convented at *James Citty* in *Virginia*, *July 30. 1619* consisting
of the Govern^{or}, the Counsell of Estate, and two Burgeffes
elected out of eache Incorporation, & Plantation, & being
dissolved the 4th of *August*, ensuing.

FIRST Sir *George Yeardley* Knight Govern^{or} & Captaine general of *Virginia*,
having sent his fumons all over the Countrey, as well to invite those of the
Counsell of State that were abtente as also for the Election of Burgeffes there
were chosen and appeared,

For *James Citty*

Captaine *William Powell*,

Ensigne *William Spence*,

For *Charles Citty*

Samuel Sharpe,

Samuel Jordan,

For the Citty of *Henricus*

Thomas Dowse,

John Polentine,

For *Kiccowtan*,

Captaine *William Tucker*,

William Capp,

For *Martin-Brandon* Cap^t. *John Martins Plant^a*

Mr *Thomas Davis*,

Mr *Robert Stacy*.

For *Smythes Hundred*

Captaine *Thomas Graves*,

Mr *Walter Shelley*.

For *Martins Hundred*,

Mr *John Boys*,

John Jackson

For *Argalls guiffe*

Mr *Pawlett*,

Mr *Gourgainy*.

For *Flower dieu Hundred*

Ensigne *Roffingham*,

Mr *Jefferson*,

For Captaines *Lawnes Plantation*

Cap^t *Christopher Lawne*,

Ensigne *Washer*.

For Captaine *Wardes Plantation*

Captaine *Warde*,

Lieutenant *Gibbes*.

The most convenient place we could finde to fitt in was the Quire of the Church, Where Sir *George Yeardley* the Governour being sett downe in his accustomed place, those of the Counsell of Estate fate nexte him on both handes excepte onely the Secretary then appointed Speaker, who fate right before him; *John Twine* clerke of the General Asseembly being placed nexte the Speaker and *Thomas Pierse* the Sergeant standing at the barre, to be ready for any service the Asseembly should command him. But for as muche as mens affaires doe little prosper where Gods service is neglected; all the Burgessees took their places in the Quire, till a Prayer was said by M^r *Bucke*, the Minister, that it would please God to guide us & sanctifie all our proceedings to his owne glory, and the good of this Plantation, Prayer being ended, to the intente that as wee had begun at God Almighty for wee might proceed wth awful and due respecte towards his Lieutenant, our most gracious & dread Sovereigne, all the Burgessees were intreated to retyre themselves into the body of the Church; w^{ch} being done, before they were fully admitted, they were called in order & by name, & so every man (none staggering at it) tooke the oathe of Supremacy, & then entered the Asseembly, At Captaine *Warde* the Speaker tooke exception, as at one that without any Comission or authority, had seated himselfe either upon the Companies, and then his Plantation could not be lawfull, or on Captaine *Martins* Lande, and so he was but a limbe or member of him, & so there could be but two Burgessees for all. So Captaine *Warde* was commanded to absente himselfe, till such time as the Asseembly had agreed what was fitt for him to doe. After muche debate they resolved on this order following,

An order concluded by the General Asseembly concerning Captaine *Warde*
July 30th 1619 at the opening of the said Asseembly.

At the reading of the names of the Burgessees Exception was taken ag^t Cap^t *Warde* as having planted here in *Virginia*, without any authority or comission from the Tresurer Counsell & Company in *Englande*, But considering he had bene at so great chardge & paines to augmente this Colony, and had adventured his owne person in the action, and since that time had brought home a goode quantity of fishe to relieve the Colony by waye of trade; and above all, because the Comission for authorising the General Asseembly admitteth of two Burgessees out of every plantation with out restrainte or exception, Upon all these considerations the Asseembly was contented to admitt of him & his Lieutenant (as members of their body & Burgessees into their society, provided that the said Captaine *Warde*, wth all expedition, that is to saye, between this & the nexte genera Asseembly (all lawful impediments excepted) should procure from the Tresurer & Counsell & Company in *Englande* a comission lawfully to establishe & plant himselfe & his Company, as the Chiefes of other Plantations have done, And in case he doe neglect this, he is to stande to the censure of the nexte Generall Asseembly. To this Captaine *Warde*, in the presence of us all, having given his consente, and undertaken to performe the same, was together wth his Lieu^t, by the voices of the whole Asseembly first admitted to take the oath of Supremacy & then to make up their number, & to fitt amongst them.

This being done, the Governour himselfe alledged that before we proceeded any further, it behooved us to examine, whither it were fitt, that Captaine *Martins* Burgessees shoulde have any place in the Asseembly, for as muche as he hath a claue in his Patente w^{ch} doth not onely exempte him from that equality & uniformity of Lawes & orders, w^{ch} the great charter saith, are to extende over the whole Colony, but also from diverse suche lawes as we must be enforced to make in the general Asseembly, That claue is as followeth, Item, That it shall and may be lawfull to & for the said Cap^t *John Martin* his heyers, executours and assignes, to governe, & commaunde all such person or persons, as at this time he shall carry over with him, or that shall be sente him hereafter, free from any commaunde of the Colony, excepte it be in ayding & assisting the same ag^t any forren or domestical Enemy,

Upon

Upon the Motion of the Governour, discussed the same time in the Assembly, ensued this order following

An Order of the General Assembly touching a clause in Captaine *Martins* Patente at *James City* July 30, 1619.

After all the Burgeesses had taken the oath of supremacy, & were admitted into the House, & all sett downe in their places, a copie of Captaine *Martins* Patente was produced by the Governour out of a Clause whereof it appeared, that when the general Assembly had made some kinde of lawes requisite for the whole Colony, he and his Burgeesses & people might deride the whole company & chuse whether they would obey the same or no. It was therefore ordered in Courte, that the foresaid two Burgeesses should wthdrawe themselves out of the Assembly till such time as Captaine *Martin* had made his personall appearance before them, At what time if upon their motion he would be contente to quitte & give over that parte of his Patente, and contrary therunto would submitte himselfe to the generall forme of governement as all others did, that then his Burgeesses should be readmitted, otherwise they were utterly to be excluded, as being spies, rather than loyal Burgeesses; because they had offered themselves to be assistant at the making of the Lawes, w^{ch} both themselves, and those whom they represented might chuse whether they would obeye or not.

Then came in a complainte ag^t Captaine *Martin* that having sente his Shallop to trade for corne into the baye under the commaunde of Ensigne *Harrison*, the said Ensigne shoulde affirme to one *Thomas Davis*, of *Paspakeighs*, Gent (as the said *Thomas Davis* deposed upon oathe) that they had made a harde voiage, had they not mett wth a Canoa coming out of a creeke, where their Shallop could not goe, For the Indians refusing to sell their Corne, those of the shallop entered the Canoa wth their armes & tooke it by force, measuring out the corne wth a baskett they had, into the shallop and (as the said Ensigne *Harrison* saith) given them satisfaction in Copper, Beades, and other trucking Stuffe, Hitherto M^r *Davys* upon his oath.

Further more it was signified from *Opoehancano* to the Governour that these people had complained to him to procure them iustice, For w^{ch} considerations & because suche outrages as this might breed danger and losse of life to others of the Colony, w^{ch} shoulde have leave to trade in the Baye hereafter, & for prevention of the like violences ag^t the Indians in time to come, this order following was agreed on by the Generall Assembly:

A second order made against Captaine *Martin*, at *James City*, July 30th 1619.

It was also ordered by the Assembly the same daye, that in case Captaine *Martin* and the ging of his shallop could not throughly answere an accusation of an outrage committed against a certaine Canoa of Indians in the Baye, that then it was thought reason (his Patente notwithstanding the authority whereof he had in that case abused) he shoulde from henceforth take leave of the Governor as other men, & should putt in security, that his people shall committe no such outrage any more

Upon this a letter or warrant was drawn in the name of the whole Assembly to summon Captaine *Martin* to appeare before them in forme following:

By the Govern^r and generall Assembly of *Virginia*.

Captaine *Martine*, we are to request you upon sight hereof, with all convenient speed to repaire hither to *James City*, to treat & conferre wth us about some matters of espiciale importance, w^{ch} concerne both us, and the whole Colony, & your selfe, And of this we pray you not to faile,

James City, July 30th 1619.

To our very loving friend Capt^{ne} *John Martin* Esquire, Master of the Ordinance.

These obstacles removed, the Speaker, who a long time had bene extreame sickly, and therefore not able to passe through long harangues, delivered in brieft to the whole assembly the occasions of their meeting, W^{ch} done, he read unto them the commission for establishing the Counsell of Estate & the Generall Assembly, wherein their duties were described to the life,

Having

Having thus prepared them, he read over unto them the greate Charter or comission of priviledges, orders & lawes sente by Sir *George Yeardly* out of *Englande* w^{ch} for the more ease of the Committees, having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over, & so they were referred to the perusall of twoe Committees, w^{ch} did reciprocally consider of either, & accordingly brought in their opinions. But some man may here objecte to what ende we shoulde presume to refferre that to the examination of Committees, w^{ch} the Counsell & Company in *Englande* had already resolved to be perfect & did expecte nothings but our assente there unto. To this we answere, that we did it not to the ende to correcte or controll any thing therein contained, but onely in case we should finde ought not perfectly squaring wth the state of this Colony, or any lawe w^{ch} did presse or binde too harde, that wee might by waye of humble petition seeke to have it redressed; especially because this great Charter is to binde us & our heyers for ever.

The names of the Committees for perusing the first booke of the fower:

- | | |
|------------------------------------|---------------------------------|
| 1. Captain <i>William Powell</i> , | 2. Ensigne <i>Rofingham</i> , |
| 3. Captaine <i>Warde</i> , | 4. Captaine <i>Tucker</i> , |
| 5. M ^r <i>Shelley</i> , | 6. <i>Thomas Douse</i> , |
| 7. <i>Samuel Jordan</i> , | 8. M ^r <i>Boys</i> . |

The names of the Committees for perusing the second booke:

- | | |
|--------------------------------------|------------------------------------|
| 1. Captaine <i>Lawne</i> , | 2. Captaine <i>Graves</i> , |
| 3. Ensigne <i>Spence</i> , | 4. <i>Samuel Sharpe</i> , |
| 5. <i>William Cap</i> , | 6. M ^r <i>Pawlett</i> , |
| 7. M ^r <i>Jefferson</i> , | 8. M ^r <i>Jackson</i> . |

These Committees thus appointed, we brake up the first forenoons Asssembly.

After dinner the Governo^r and those that were not of the Committees fate a seconde time, while the said Committees were employed in the perusall of those twoe bookes. And whereas the Speaker had propounded fower severall objects for the Asssembly to consider on namely first, the great charter of orders, lawes & priviledges, Secondly which of the instructions given by the Counsell in *England* to my Lord *le Warre*, Captaine *Argall* or Sir *George Yeardley*, might conveniently putt on the habite of Lawes; Thirdly what Lawes might issue out of the private conceipte of any of the Burgesses, or any other of the Colony; & lastly what petitions were fitt to be sente home for *Englande* It pleased the Governo^r for expeditions sake to have the second objecte of the fower to be examined & prepared by himseife and the non Committee. Wherein after having spent some three houres conference, the twoe Committees brought in their opinions concerning the twoe former bookes (the second of w^{ch} beginneth at these wordes of the Charter.) And forasmuche as our intente is to establish one equall & uniforme kinde of government over all *Virginia* &c) w^{ch} the whole Asssembly, because it was late deferred to treatt of till the next morning.

Saturday July 31.

THE nexte daye therefore out of the opinions of the said Committees, it was agreed, those Petitions ensuing should be framed, to be presented to the Treasurer Counsell & Company in *England*. Upon the Committees perusall of the first Book, the Generall Asssembly, doe become most humble suitours to their lo^{ps} and to the rest of that hon^{ble} Counsell and renowned Company, that albeit they have bene pleas'd to allotte unto the Govern^r to themselves together wth the Counsell of Estate here, & to the Officers of Incorporations, certain large portions of lande to be layde out wthin the limites of the same, yet that they would vouchsafe also, that such groundes as heretofore had bene granted by patent to the antient Planters by former Governours, that had from the Company received Comission so to doe, might not now, after so much labour & coste, & so many yeares habitation be taken from them. And
to

to the ende that no man might doe or suffer any wrong in this kinde, that they woulde favour us so muche (if they meane to graunte this our petition) as to sende us notice, what comission or authority for graunting of landes they have given to eache particular Governour in times paste.

The seconde petition of the General Assembly framed by the Committees out of the second book is, that the Tresurer & Company in *England* would be pleased wth as muche convenient speede as may bee to sende men hither to occupie their landes belonging to the fower Incorporations, as well for their owne behoofe and proffitt as for the maintenance of the Counsell of Estate, who are nowe to their extream hindrance often drawn far from their private busines, & likewise that they will have a care to sende tenants to the ministers of the fower Incorporations to manure their gleab, to the intente that the allowance they have allotted them of 200 li. a yeare may the more easily be raised.

The thirde Petition humbly presented by this General Assembly to the Tresurer, Counsell & Comp^y is, that it may plainly be expressed in the great Comission (as indeed it is not) that the antient Planters of both sortes, viz., such as before Sir *Thomas Dales* departure were come hither upon their owne charges, and such also as were brought hether upon the Companies coste, maye have their second, third, & more divisions successively in as lardge and free manner as any other Planters. Also that they will be pleased to allowe to the male children, of them & of all others begotten in *Virginia*, being the onely hope of a Posterity, a single share a piece, and shares for their wives as for themselves, because that in a newe plantation it is not known whether man or woman be the most necessary.

Their fourth Petition is to beseech the Tresurer Counsell & Company that they would be pleased to appoint a Sub-Tresurer here to collecte their rentes, to the ende that the Inhabitants of this Colony be not tyed to an impossibility of paying the same yearly to the Tresurer in *England*, & that they would enjoin the said Sub Tresurer not precisely according to the Letter of the Charter to exacte mony of us (whereof we have none at all, as we have no minte) but the true value of the rente in comodity.

The fift Petition is to beseeche the Tresurer the Counsell & Company, that towards the erecting of the Univerfity and Colledge, they will sende, when they shall thinke most convenient, workmen of all sortes fitt for that purpose.

The sixte and laste is, that they will be pleased to change the savage name of *Kiccowtan*, & to give that Incorporation a newe name.

These are the severall Petitions drawn by the Committees out of the two former bookes w^{ch} the whole general Assembly in maner & forme above sett downe doe most humbly offer up and present to the favourable construction of the Tresurer Counsell & Company in *England*,

These petitions thus concluded on, those two Committees broughte in a reporte, what they had observed in the two latter bookes, w^{ch} was nothing else, but that the perfection of them was such as they could finde nothing therein subject to exception. Only the Govern^{rs} particular opinion to my selfe in private hathe bene, as touching a clause in the thirde booke, that in these doubtfull times between us and the Indians, it would behooove us not to make so lardge distances between Plantation & Plantation as ten miles but for our more strength & security to drawe nearer together.

At the same time, there remaining no farther scruple in the miundes of the Assembly touching the said great Charter of Lawes orders and priviledges, the Speaker putt the same to the question, & so it had both the general assent & the applause of the whole Assembly; who as they professed themselves in the first place most submissively thankfull to Almighty God therefore, so they commaunded the Speaker to returne (as nowe he doth) their due and humble thanks to the Tresurer, Counsell & Company for so many priviledges & favours as well in their owne names, as in the names of the whole Colony whom they represented.

This being dispatched, we fell ouce more to debating of such instructions given by the Counsell in *England* to severall Gover^{ns} as might be converted into lawes, the last whereof

whereof was the establishment of the price of Tobacco, namely of the best at 3s and of the second at 18d the pounce. At the reading of this the Assembly thought good to send for M^r *Abraham Persey*, the Cape Marchant to publish this instruction to him, & to demande of him if he knewe any impediment why it might not be admitted of. His answere was that he had not as yet received any such order from the Adventurers of the Magazin in *England*, And notwithstanding he sawe the authority was good, yet he was unwilling to yield, till such time as the Gov^r & Assembly had layd their commandment upon him, out of the authority of the foresaid Instructions as followeth:

By the General Assembly

We will & require you, M^r *Abraham Persey*, Cape Marchant, from this daye forward to take notice, that according to an article in the Instructions confirmed by the Treasurer, Counsell & Company in *Englande* at a General quarter Courte, bothe by voices and under their handes & the Common seale, and given to Sir *George Yeardley*, Knight, this present governour, Dec^r 1, 1618, that you are bounde to accepte of the Tobacco of the Colony, either for commodities or upon bills at three shillings the best, & the second forte at 18d the pounce, and this shall be your sufficient discharge.

James Citty out of the said General Assembly July 31, 1619.

At the same time the Instructions convertible into Lawes were referred to the consideration of the above named Committees, viz., the general Instructions to the first Committee and the particular Instructions to the second, to be returned by them into the Assembly on Munday Morning.

Sunday Aug. 1

MR. *SHELLEY* one of the Burgeffes deceased.

Monday Aug. 2

CAPTAIN *John Martin* (according to the summons sent him on *Friday, July, 30.*) made his personall appearance at the barre, when as the Speaker having, first read unto him the orders of the Assembly that concerned him, he pleaded lardgely for himself to them both, & indevoured to answere some other thinges that were objected ag^t his Patente, In fine being demanded out of the former order, whether he would quitte that claufe of his Patent, w^{ch} (quite otherwise then Sir *William Throckmortons*, Captain *Christopher Lawnes*, and other mens patentes) exempteth himselfe & his people from all services of the Colonie, excepte onely in case of warre ag^t a forren or domesticall eneme. His answere was negative, that he would not infringe any parte of his Patente. Whereupon it was resolved by the Assembly, that his Burgeffes should have no admittance.

To the second order his answere was affirmative, namely, that (his Patente notwithstanding) whensoever he should sende into the Baye, to trade, he would be contente to putt in security to the Governour for the good behaviour of his people towards the Indians.

It was at the same time further ordered by the Assembly that the Speaker in their names should (as he nowe doe) humbly demande of the Treasurer Counsell and Company an exposition of this one claufe in Captaine *Martins* Patente, namely where it is said, That he is to enjoye his landes in as lardge & ample a manner to all intentes & purposes, as any Lord of any manours in *England* doth holde his grounde, out of w^{ch} some have collected

¹ The cape merchant, or cap-merchant (that is, head merchant), was the officer in charge of the company's supplies.

collected, that he might by the same graunte protecte men, from paying their debtes, and from diverse other dangers of Lawe, The least the Assembly can alledge against this clause is, that it is obscure, & that it is a thing impossible for us here to know the Privileges of all the Manours in *Englande*. The Assembly therefore humbly beseecheth their L^{op}s & the rest of the Hon^{ble} boarde, that in case they shall finde any thing in this or in any other parte of his graunte, whereby that clause towards the conclusion of the great charter (*viz* that all grauntes as well of the one sorte as of the other respectively, be made wth equall favour & graunts of like liberties & immunities as neer as may be, to the ende that all complaints of partiality and unindifferency may be avoided) might in any sorte be contradicted; or the uniformity and equality of lawes & orders extending over the whole Colony might be impeached; That they would be pleased to remove any such hinderance, as may divert out of the true course the free & publique current of Justice.

Upon the same groundes & reason their L^{op}s together with the rest of the Counsell & Company, are humbly besought by the Generall Assembly, that if in that other clause w^{ch} exempteth Captaine *Martin* & his people from all services of the Colony &c they shall finde any resistance ag^t that equality and uniformity of Lawes & orders intended now by them to be established over the whole Colony, that they would be pleased to reforme it.

In fine, whereas Captaine *Martin* for those ten shares allowed him for his personal adventure, & for his adventure of 70th besides doth claime 500 acres a share: that the Treasurer, Counsell & Company would vouchsafe to give notice to the Governour here, what kinde of shares they meante he should have, when they gave him his Patente.

The premisses about Captaine *Martin* thus resolved the Committie appointed to consider, what instructions are fitt to be converted into Lawes, brought in their opinions, & first of some of the general instructions.

Here begin the lawes drawn out of the Instructions given by his Mat^{ies} Counsell of *Virginia* in *England* to My Lo: *La warre*, Captaine *Argall*, & Sir *George Yeardly*, knight.

By this present General Assembly be it enacted that noe injury or oppression be wrought by the *English* ag^t the Indians whereby the present peace might be disturbed, & antient quarrels might be revived. And farther be it ordained that the *Chicohomini* are not to be excepted out of this Lawe, untill either that such order come out of *Englande*, or that they doe provoke us by some newe injury

Against Idleness, gaming, drunkennes, & excesse in apparel, the Assembly hath enacted as followeth

First in detestation of Idlers, be it enacted, that if any man be founde, to live as an Idler or runegate though a freed man, it shall be lawfull for that Incorporation or Plantation to w^{ch} he belongeth to appoint him a M^r to serve for wages till he shewe apparant signes of amendment.

Against gaming at Dice & Cardes be it ordained by this present Assembly, that the winner or winners shall lose all his or their winnings & both winners & loosers shall forfeite ten shillings a man, one ten shillings whereof to goe to the discoverer, & the rest to charitable & pious uses in the Incorporation where the faults are committed.

Against drunkenes be it also decreed, that if any private person be found culpable thereof, for the first time he is to be reprovved privately by the Minister, the second time, publicquely, the Thirde time to lye in boltes 12 houres in the House of the Provost Marshall & to paye his fees, and if he still continue in that vice, to undergoe such severe punishment, as the Govern^r & Councell of Estate shall think fitt to be inflicted on him. But if any Officer offende in this crime, the first time he shall receive a reproof from the Governour, the second time he shall openly be reprovved in the Church by the minister, & the third time he shall first be committed & then degraded. Provided it be understood, that the Govern^r hath alwaies power to restore him, when he shall, in his discretion thinke fitt.

Against

Against excesse of apparell, that every man be cessed in the Church for all publique contributions, if he be unmarried according to his owne apparrell, if he be married, according to his owne & his wives, or either of their apparell.

As touching the Instruction of drawing some of the better disposed of the Indians to converse wth our people & to live & labour among them, the Assembly who know well their dispositions, thinke it fitt to enioine, at least to counsell those of the Colony neither utterly to rejecte them, nor yet to drawe them to come in. But in case they will of themselves come voluntarily to places well peopled there to doe service, in killing of Deere, Fishing, beating Corne, & other workes that then five or fixe may be admitted into every such place, and no more, & that wth the consente of the Governour, provided that good guard in the night be kept upon them, for generally (though some amongst many may proove good) they are a most trecherous people, & quickly gone when they have done a villany. And it were fitt, a house were builte for them to lodge in apart by themselves, and lone inhabitants by no meanes to entertaine them.

Be it enacted by this present assembly, that for laying a surer foundation of the conversion of the Indians to Christian Religion, eache towne, citty Borrough, & particular plantation do obtaine unto themselves by just meanes a certaine number of the natives Children to be educated by them in true Religion & civile course of life. Of w^{ch} children the most towardly boyes in witt & graces of nature to be brought up by them in the firste Elements of litterature, so as to be fitted for the Colledge intended for them, that from thence they may be sent to that worke of conversion.

As touching the busines of planting corne, this present Assembly doth ordaine, that yeare by yeare, all & every householder and householders, have in store for every servant he or they shall keep, & also for his or their owne persons, whether they have any Servants or no, one spare barrell of corne to be delivered out yearly either upon sale or exchange, as need shall require. For the neglect of w^{ch} duty he shall be Subject to the censure of the Govern^r & Councell of Estate, provided alwayes, that for the first yeare of every newe man this Lawe shall not be in force.

About the Plantation of Mulberry trees be it enacted that every man, as he is seated upon his division, doe for seven yeares together every yeare plante & maintaine in growth fixe Mulberry trees at the leaste and as many more as he shall thinke conveniente, & as his virtue & industry shall moove him to plante, and that all such persons as shall neglect the yearly planting & maintaining of that small proportion, shall be Subjecte to the censure of the Governour, & the Councell of Estate

Be it farther enacted, as concerning filke-flaxe that those men that are upon their division or settled habitation doe this next yeare plante & Dresse 100 plantes w^{ch} being founde a comodity may farther be encreased. And whosoever do faile in the performance of this shall be subject to the punishment of the Governour & Councell of Estate.

For hempe also both *Englishe* & Indian, & for *Englishe* Flaxe & Anniseeds, wee doe require & enioine all householders of this Colony, that have any of those seeds, to make tryal thereof the nexte season.

Moreover be it enacted by this present Assembly, that every householder doe yearly plante & maintaine ten vines, untill they have attained to the arte & experience of dressing a vineyard, either by their owne industry, or by the instruction of some Vigner-ron. And that upon what penalty soever, the Governo^r & Councell of Estate shall think fitt to impose upon the neglecters of this Acte.

Be it also enacted, that all necessary tradesmen, or soe many as need shall require, suche as are come over since the departure of Sir *Thomas Dale*, or that shall hereafter come shall worke at their trades for any other man, eache one being payde according to the qualitie of his trade & worke, to be estimated, if he shall not be contented, by the Governo^r & Officers of the place where he worketh.

Be it further ordained by this General Assembly and wee doe by these Presents enacte, that all contracts made in *England* betweene the owners of lande & their Tenants
and

and Servantes w^{ch} they shall send hither, may bee caused to be duly performed, and that the offenders be punished as the Gover^r & Councell of Estate shall think just & convenient.

Be it established also by this present Affembly, that no crafty or advantageous meanes be suffered to be putt in practice for the inticing awaye the Tenants & Servants of any particular plantation from the place where they are Seatted. And that it shall be the duty of the Governo^r & Councell of Estate most severely to punish bothe the seducers & the seduced, and to returne these latter into their former places.

Be it further enacted, that the orders for the Magazine lately made be exactly kepte, & that the Magazine be preserved from wronge & sinister practises, & that according to the orders of Courte in *Englande*, all Tobacco & Saffafras be brought by the planters to the Cape Marchant till suche time as all the goods nowe or heretofore sent for the Magazine be taken off their handes at the prices agreed on, that by this meanes the same going for *Englande* into one hande, the price thereof, may be upheld the better. And to the ende that all the whole Colony may take notice of the last order of Courte made in *Englande*, & all those whom it concerneth may know how to observe it wee holde it fitt to publishe it here for a Lawe among the rest of our Lawes, the w^{ch} order is as followeth.

Upon the 26 of *October* 1618, it was ordered that the Magazine should continue during the terme formerly prefixed, & that certaine abuses nowe complained of should be reformed; and that for preventing of all impositions, save the allowance of 25 in the hundred profitte the Governo^r shall have an invoice as well as the Cape Marchant, that if any abuse in the sale of the goods be offered, hee upon intelligence & due examination thereof shall see it corrected. And for the encouragement of particular hundreds, as *Smyths Hundred*, *Martins Hundred*, *Launes Hundred*, & the like, it is agreed, that what comodities are reaped upon anie of these Severall Colonies, it shall be lawfull for them to return the same to their owne Adventurers. Provided that the same comodity be of their owne growing, wthout trading wth any other, in one entyre lumpe, & not disperfed, & that at the determination of the jointe stocke the goods then remaining in the Magazine shall be bought by the said particular Colonies before any other goods w^{ch} shall be sente by private men. And it is moreover ordered, that if the Lady *La warre*, the Lady *Dale*, Captain *Bargrave*, & the rest, would unite themselves into a settled Colony, they might be capable of the same priviledges that are graunted to any of the foresaid Hundreds. Hitherto the Order.

All the general Affembly by voices concluded not only the acceptance & observation of this Order, but of the Instruction also to Sir *George Yeardley* next preceding the same. Provided first that the Cape Marchant do accept of the Tobacco of all and everie the Planters here in *Virginia*, either for goods or upon Bills of Exchange at three shillings the pounce the beste, & 18d the seconde forte. Provided also that the billes be duly payde in *Englande*. Provided in the third place, that if any other besides the Magazine have at any time any necessary comodity w^{ch} the Magazine doth wante, it shall & may be lawfull for any of the Colony to buy the said necessary Comodity of the said party, but upon the termes of the Magazine viz allowing no more gaine then 25 in the Hundred, & that with the leave of the Governour, Provided lastly, that it may be lawfull for the Govern^r to give leave to any Mariner, or any other person that shall have any suche necessary comodity wanting to the Magazine, to carrie home for *England* so much Tobacco or other naturall comodities of the Country, as his Customers shall pay him for the said necessary comodity or comodities. And to the ende we may not onely, persuade & incite men, but inforce them also thoroughly & loyally to cure their Tobacco before they bring it to the Magazine, be it enacted, and by these presents we doe enacte, that if upon the judgment of fower sufficient men of any incorporation where the Magazine shall reside (having first taken their oaths to give true sentence, twoe whereof to be choisen by the Cape Marchant, & twoe by the Incorporation) any Tobacco whatsoever shall not proove vendible at the second price, that it shall there immediately be burnt before the owners face. Hitherto suche Lawes as were drawn out of the Instructions.

Tuesday,

Tuesday Aug. 3, 1619.

THIS Morning a thirde sorte of Lawes (suche as might proceed out of every mans private conceit) were read & referred by halves to the same committees w^{ch} were from the beginning.

This done Captaine *William Powell* presented to the assembly a petition, to have justice against a lewd and trecherous servant of his, who by false accusation given up in writing to the Governour sought not onely to get him deposed from his government of *James Citty*, and utterly (according to the Proclamation) to be degraded from the Place & title of a Captaine, but to take his life from him also. And so out of the said Petition sprang this order following

Captaine *William Powell* presented a petition to the General Assembly against one *Thomas Garnett* a servant of his not onely for extream neglect of his busines, to the great loss & prejudice of the said Captaine, and for openly and impudently abusing his House, in sight both of Master and Mistresse, through wantonnes wth a woman servant of theirs, a widdowe, but also for falsely accusing him to the Governour both of Drunkenness, & Theft, & besides for bringing his fellow servants to testifie on his side, wherein they justly failed him. It was thought fitt by the General Assembly (the Governour himself giving sentence) that he should stand fower dayes with his eares nayled to the Pillory, viz *Wednesday Aug. 4th* and so likewise *Thursday, fryday, & Saturday* next following, & every of those fower days should be publicly whipped. Now as touching the neglecte of his worke, what satisfaction ought to be made to his M^r for that, is referred to the Governour & Councill of Estate.

The same morning the lawes above written drawen out of the Instructions were read, & one by one thoroughly examined, & then passed once again the general consente of the whole assembly.

This Afternoon the committies brought in a reporte, what they had done as concerning the third sorte of Lawes, the discussing whereof spent the residue of that daye. Excepte onely the consideration of a Petition of M^r *John Rolfe* against Cap^t *John Martin* for writing a Letter to him wherein (as M^r *Rolfe* alledged) he taxeth him both unseemly and amisse of certaine things wherein he was never faulty, and besides casteth some aspersions upon the present government, w^{ch} is the most temperate & just that ever was in this country, too milde indeed for many in this Colony, whom unwonted liberty hath made insolente, and not to know themselves. This Petition of M^r *Rolfe* was thought fitt to be referred to the Councill of State.

Wednesday Aug. 4th

THIS daye (by reason of extream heat both past, and likely to ensue, & by that meanes, of the alteration of the healthes of diverse of the General Assembly) the Governour who himselfe also was not well, resolved should be the last of this first Session, So in the Morning the Speaker (as he was required by the Assembly) read over all the Lawes and orders that had formerly passed the House, to give the same yett one review more & to see, whether there were any thing to be amended, or that might be excepted against, this being done, the third sorte of Lawes, w^{ch} I am nowe coming to sett downe, were read over & thoroughly discussed, w^{ch} together wth the former did now passe the last and finall consente of the General Assembly.

A third sorte of Lawes such as may issue out of
every mans private conceit

It shall be free for every man to trade wth the Indians Servants onely excepted, upon paine of whipping unless the M^r redeeme it off wth the payment of an Angell, one fourth parte whereof to go to the Provost Marshall, one fourth parte to the discoverer, & the other moyty to the publique uses of the Incorporation where he dwelleth

That

That no man do sell or give any Indians any piece shott, or poulder, or any other armes offensive or defensive, upon paine of being held a Traytour to the Colony, & of being hanged, as soon as the fact is proved, wthout all redemption.

That no man do sell or give any of the greater howes to the Indians, or any *English* dog of quality, as a Mastive, Greyhound, Blood hounde lande, or water Spaniel, or any other dog or bitche whatsoever, of the *English* race, upon paine of forfeiting 5 ^{li} sterling to the publike uses of the Incorporation where he dwelleth.

That no man may go above twenty miles from his dwelling place, nor upon any voiage what soever shall be absent from thence for the space of seven dayes together, wthout first having made the Governo^r or comānder of the same place acquainted therewith upon paine of paying twenty shillings to the publike uses of the same Incorporation, where the party delinquent dwelleth.

That no man shall purposely goe to any Indian townes, habitations, or places of resort, wthout leave from the Goverⁿ or comānder of that place where he liveth upon paine of paying 40^s to publike uses as aforesaid.

That no man living in this Colony, but shall between this and the first of *January* nexte ensuing come or sende to the Secretary of State, to enter his own & all his servants names, & for what terme, or upon what conditions they are to serve, upon penalty of paying 40^s to the said Secretary of State. Also whatsoever M^{rs} or people doe come over to this plantation, that within one month of their arrivall (notice being first given them of this very Lawe,) they shall likewise reforte to the Secretary of State & shall Certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their grauntes and comissions, and for how long time and upon what conditions their servants (in case they have any) are to serve them, and that upon paine of the penalty nexte above mentioned.

All Ministers in the Colony shall once a year namely in the moneth of *Marche*, bring to the Secretary of Estate a true account of all the Chriftenings, burials, & marriages, upon paine, if they faile, to be censured for their negligence by the Governour & Councell of Estate Likewise where there be no ministers, that the comānders of the place doe supply the same duty.

No man wthout leave from the Governour shall kill any Neat cattle whatsoever, young or olde, especially kine, Heyfurs or Cowcalves, & shall be carefull to preserve their Steers & Oxen, & to bring them to the plough & such profittable uses, & wthout having obtained leave as aforesaid shall not kill them upon penalty of forfeiting the value of the Beast so killed.

Whosoever shall take any of his neighbours boates, oares, or canoas wthout leave from the owner shall be helde and esteemed as a felon and so proceeded against; also hee that shall take away by violence or ftealth any canoas or other thinges from the Indians shall make valuable restitution to the said Indians, and shall forfait, if he be a freeholder, five pound; if a servant 40^s, or endure a whipping; and anything under the value of 13^d shall be accounted Petty larceny.

All ministers shall duely read divine service, and exercise their ministerial function according to the Ecclesiasticall Lawes and orders of the church of *Englande*, and every *Sunday* in the afternoon shall Catechize suche as are not yet ripe to come to the Comunion. And whosoever of them shall be found negligent or faulty in this kinde shall be subject to the censure of the Govern^r and Councell of Estate

The Ministers and Churchwardens shall seeke to prevente all ungodly diforders; the comitters whereof if, upon goode admonitions and milde reproofe they will not forbear the said skandalous offences, as suspicions of whoredoms, dishonest company keeping with weomen and such like, they are to be presented and punished accordingly.

If any person after two warnings, doe not amende his or her life in point of evident suspicion of Incontinency or of the comission of any other enormous finnes, that then he or shee be presented by the Churchwardens and suspended for a time from the church by the minister. In w^{ch} Interim if the same person do not amende and humbly submitt
him

him or herselfe to the church, he is then fully to be excommunicate and soon after a writt or warrant to be sente from the Govern^r for the apprehending of his person & feizing all his goods. Provided alwayes, that all the ministers doe meet once a quarter, namely, at the feast of S^t *Michael* the Arkangell, of the nativity of our Saviour, of the Annuntiation of the blessed Virgine, and about midfomer, at *James Citty* or any other place where the Govern^r shall reside, to determine whom it is fitt to excommunicate, and that they first presente their opinion to the Governour ere they proceed to the acte of excommunication

For Reformation of fwearing, evry freeman and M^r of a family after thrice admonition shall give 5^s or the value upon presente demande, to the use of the church where he dwelleth: and every fervant after the like admonition, excepte his M^r discharge the fine, shall be subject to whipping. Provided, that the payment of the fine notwithstanding, the said fervant shall acknowledge his faulte publicly in the Church.

No man whatsoever coming by water from above, as from *Henrico*, *Charles citty*, or any place from the westwarde of *James Citty*, & being bound for *Kiccowntan* or any other parte on this side of the same, shall presume to pass by either by day or by night wthout touching firste here at *James Citty*, to know whether the Governour will comande him any service. And the like shall they performe that come from *Kiccowntan* ward, or from any place between this & that to go upwarde; upon paine of forfeiting ten pound *Sterling* a time to the Governor. Provided that if a fervant having had instructions from his Master to observe his Service doe notwithstanding transgreffe the same that then the said fervant shall be punished at the Govern^rs discretion otherwise that the Master himselfe shall undergo the foresaid penalty.

No man shall trade into the Baye either in Shallop pinnace, or ship wthout the Governours License, and wthout putting in security, that neither himselfe, nor his Company shall force or wrong the Indians, upon paine that doing otherwise they shall be censured at their returne by the Governour & Counsell of Estate.

All persons whatsoever upon Sabaoth days shall frequente divine service & sermons both forenoon and afternoone; & all s^uche as beare armes, shall bring their pieces, Swordes, powder, & shotte. And Every one that shall transgreffe this Lawe, shall forfait three shillings a time to the use of the Church, all lawful & necessary impediments excepted. But if a fervant in this case shall wilfully neglecte his M^rs comande he shall suffer bodily punishment.

No maide or woman fervant, either now resident in the Colonie, or hereafter to come, shall contract herselfe in marriage wthout either the consente of her parents or her M^r or M^{rs}, or of the magistrate & Minister of the place both together. And whatsoever Minister shall marry or contracte any s^uche persons wthout some of the foresaid consentes shall be subjecte to the severe censure of the Govern^r & Counsell of Estate.

Be it enacted by the present assembly, that whatsoever fervant hath heretofore, or shall hereafter contracte himselfe in *Englande*, either by way of Indenture or otherwise, to serve any Master here in *Virginia*, and shall afterward, against his said former contracte, depart from his M^r wthout leave, or being once imbarked, shall abandon the ship he is appointed to come in, & so being lefte behinde, shall put himselfe into the service of any other man that will bring him hither; that then at the same servants arrival here, he shall first serve out his time, with that M^r that brought him hither and afterward also shall serve out his time wth his former Master according to his covenant.

Here ende the Lawes.

All these lawes being thus concluded & consented to, as aforesaide Captaine *Henry Spelman* was called to the Barre, to answer to certaine misdemeano^{rs} layde to his charge by *Robert Poole* interpretour, upon his Oath (whose examination the Govern^r sente into *Englande* in the *Prosperus*) of w^{ch} accusations of *Poole* some he acknowledged for true, but the greatest part he denyed. Whereupon the General Assembly having throughly heard, & considered his speeches, did constitute this order following against him,

Aug.

Aug. 4th 1619

This day Captaine *Henry Spelman* was convented before the General Affembly, & was examined by a relation upon oath of one *Robert Poole* Interpreter what conference had passed between the said *Spelman* & *Opochancono* at *Pooles* meeting with him in *Opochanconos* courte. *Poole* chardgeth him, he spake very unreverently & maliciously ag^t this present Govern^r wherby the honour & dignity of his place & person, & so of the whole Colonie, might be brought into Contempte, by w^{ch} meanes what mischiefs might ensue from the Indians by disturbance of the Peace or otherwise, may easily be conjectured. Some things of this relation *Spelman* confessed, but the most parte he denyed, excepte onely one matter of importance, & that was, that he hade informed *Opochancono*, that w^{ch} in a yeare there would come a Governour greatter than this that nowe is in place. By w^{ch} & by other reportes, it seemeth he hath alienated the minde of *Opochancono* from this present Governour, & brought him in much disesteem both wth *Opochancono* & the Indians, & the whole Colony in danger of their Slippery designes.

The general asssembly upon *Pooles* testimony onely not willing to putt *Spelman* to the rigour & extremity of the Lawe, w^{ch} might perhaps, both speedily & deservedly have taken his life from him (upon the witness of one whom he muche excepted ag^t) were pleased for the present to censure him rather out of that his confession above written, then out of any other prooffe. Several & sharpe punishments were pronounced ag^t him by diverse of the Asssembly. But in fine the whole courte by voices united did encline to the most favourable, w^{ch} was that for this misdemeanour he should first be degraded of his title of Cap^t, at the head of the Troupe, & should be condemn^d to performe seven yeares service to the Colony, in the nature of an Interpreter to the Governour.

This sentence being read to *Spelman* he as one that had in him more of the Savage then of the Christian, muttered certaine wordes to himselfe, neither shewing any remorse for his offences, nor yet any thankfulness to the Asssembly for theire so favourable censure, w^{ch} he at one time or another (Gods grace not wholly abandoning him) might wth some one service have been able to have redeemed.¹

This day also did the Inhabitants of *Paspheigh* alias *Argalls Towne*, present a petition to the General Asssembly to give them an absolute dischardge from certaine Bondes wherein they stand bound to Captaine *Samuell Argall* for the payment of 600^{li} & to Captaine *William Powell* at Captaines *Argalls* appointment, for the payment of 50^{li} more To Captaine *Argall* for 15 Skore acres of woody ground called by the name of *Argalls Towne* or *Paspheigh*; to Captaine *Powell* in respect of his paines in clearing the ground, & building the houses for w^{ch} Captaine *Argall* ought to have given him satisfaction. Now, the general Asssembly being doubtful whether they have any power & authority to dischardge the said bondes, doe by these presents (at the Instance of the said Inhabitants of *Paspheighs*, alias *Martins* hundred people) become most humble suitours to the Treasurer, Counsell & Company in *England* that they will be pleased to gett the said bondes for 600^{li} to be cancelled; for asmuch as in their great comission they have expressly & by name appointed that place of *Paspheigh* for parte of the Governours Lande. And wheras Captain *William Powell* is payde his 50^{li} w^{ch} Captaine *Argall* enjoined the saide Inhabitantes to presente him with, as parte of the bargaine, the general asssembly at their intreaty do become suitours on their behalfe, that Cap^t *Argall*, by the Counsell & Company in *Englande* may be compelled either to restore the said 50^{li} from thence, or else that restitution thereof be made here, out of the goods of the said Captaine *Argall*.

The last acte of the General Asssembly was a contribution to gratifie their Officers as followeth

Aug. 4th 1619

It is fully agreed att this Generall Asssembly, that in regarde of the great paines & labour of the Speaker of this Asssembly (who not only first formed the same asssembly & to their great ease & expedition, reduced all matters to be treated of into

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¹ This paragraph is crossed out in the original.

a ready method, but also, his indisposition notwithstanding wrote or dictated all orders & other expedients, & is yett to write severall bookes for all the severall Incorporations & plantations, both of the great Charter, & of all the Lawes) & likewise in respecte of the diligence of the Clerke & Sergeant officers thereto belonging: That every man & manservant of above 16 yeares of age shall pay into the handes & Custody of the Burgeffes of every Incorporation & plantation one pound of the best Tobacco, to be distributed to the Speaker, & likewise to the Clerke & Sergeant of the Assembly, according to their degrees & rankes, the whole bulk whereof to be delivered into the Speakers handes, to be divided accordingly. And in regard to the Provost Marshall of *James Citty* hath also given some attendance upon the said General Assembly, he is also to have a share out of the same. And this is to begin to be gathered the 24th of *February* nexte.

In conclusion the whole Assembly comanded the Speaker (as nowe he doth) to present their humble excuse to the Treasurer Counsell & Company in *England*, for being constrained by the intemperature of the Weather, & the falling sick of diverse of the Burgeffes, to breake up so abruptly before they had so much as putt their Lawes to the ingrossing, this they wholly committed to the fidelity of their Speaker, who therein (his Conscience telles him) hath done the part of an honest man, Otherwise he would easly be found out by the Burgeffes themselves, who wth all expedition, are to have so many bookes of the same Lawes, as there be both Incorporations & Plantations, in the Colony.

In the seconde place, the Assembly doth most humbly crave pardon, that in so short a space they could bring their matter to no more perfection, being for the present enforced to send home Titles rather than Lawes, Propositions rather than resolutions. Attempts then Atchievements, hoping their courtesy will accepte our poore indeavour, and their wisdom will be ready to supporte the weaknes of this little flocke.

Thirdly, the General Assembly doth humbly beseech the Treasurer Counsell & Company, that albeit it belongeth to them onely to allowe or to abrogate any Lawes w^{ch} we shall here inacte, and that it is their righte so to doe; yet that it would please them not to take it in ill parte, if these Lawes, w^{ch} we have nowe brought to light, do passe currant & be of force, till suche time as we may knowe their further pleasure out of *Englande*, for otherwise this people (who nowe at length have gott the raines of former servitude into their owne swindge¹) would in short time grow so insolent, as they would shake off all govern^{mt}, & there would be no living among them.

Their last humble suit is, that the said Counsell & Company would be pleased, as soon as they shall find it convenient, to make good their promise sett down at the conclusion of their comission for establishing the Counsell of Estate & the General Assembly: namely that they will give us power to allowe or disallowe of their Orders of Courte, as his Majesty hath given them power to allowe or to reject our Lawes.

In suite Sir *George Yearly* the Gover^{nr} prorogued the said General Assembly till the first of *Marche* which is to fall out this present yeare 1619, And in the mean season dissolved the same.

¹ "Swindge" is a misspelling of "fwinge," which is an obsolete word meaning sway, or power.

[From *Neill's Virginia Company of London*, pp. 274-286. The extracts here copied give a contemporary account of the session of the General Assembly held in *November* and *December*, 1621.]

Letter of Governor and Council of *Virginia* to the Company, written *January* 1621/2, and forwarded by Ship *George*.

Right Hon^{ble}

WE haue receaued your Letter dated at *London* the 22d of *September*, 1622 [1621], by the *Warwicke* arriued heere at *James Cytie* the 10th day of *December*, wherein you haue manifested so greate care of us, and the whole Colony as we cannott but with all thankfullnesse acknowledg ourselues much bounden unto you for the same, before the receipt of w^{ch} Letter wee had (according to the instructions giuen us) taken order in the firste Sessions of the generall Assemblie, helde in *November* and *December*, that great store of Vines and Mulberry trees should be planted in all places, and such as were growinge preferued and had expressely p^hibited the destroyinge of mulberry trees in the clearing of Growndes.

Att w^{ch} Assemblie we did playnly p^oceaeue that the whole country was very well affected to the plantinge of both and to the receauing of silk-worme foode, and that y^t is our ernest desire that you woulde be pleased to proceed in this course, and of sending us all sortes of Vines in greate abundance, as alsoe greate store of all sortes of the best graine, as wheate, Barlie, Oates, and pease of all the best kindes, for though wee bee very desirous to falle to the sowinge of all sorts of our *Englishe* graine as well as Indian (since this Countrey is very p^oper for them, and that there [is] so much cleare ground in the Colonie) wherein a plowe may be able to goe yet are wee at this tyme very much unprovided of any good feed corne, for our wheate w^{ch} was firste brought hither from the *French* Colonie is not only of a small and bad kinde, but hath been also much decayed (since it came hither) for wante of well cultivatinge the groundes.

For the drawinge of the People from the excessiue plantinge of Tobacco, wee haue by the consent of the generall Assemblie restrayned them to one hundred plants ye headd, uppon eache of w^{ch} plantes there are to bee left butt onely nyne leaues w^{ch} p^oportions as neere as could be gueessed, was generally conceaued would be agreeable wth the hundred waight you haue allowed. By w^{ch} meanes as also by the course that we haue taken for the keepinge of euery man to his Trade we doubt nott butt very much to preuent the Imoderate plantinge of Tobacco. But nothinge can more encourage all men to the plantinge of corne in abundance and soe diuert them from plantinge of Tobacco, then you would be pleased (since y^t you desire that greate plenty of Corne bee planted here as well for such multitudes of people as you hope yearly to send ouer, as for our owne selues to allow us a Marchantable Rate here for our Corne, either to bee payde by Bills of Exchange in *England* or in Commodities to be deliuered here at 25 p. centum, the prife of 7s the Bushell being p^oposed by the generall Assemblie was by us thought very reasonabe since the Corne you send ouer besides the hazard of being lost or spoyled at Sea, doth stand you in as much or more the charge or freight in Cask considered.

By the consent of the last Generall Assemblie there y^s a large Contribution to be underwritten for the buildinge of a howse of Entertainment at *James* * * * and therefore woode earnestly desire y^t you would be pleased to send ouer some * * * of Carpenters Brickmakers and Bricklayers of w^{ch} usefull trades there is very great want, and for whose labour wee wilbe content to paye after a good rate.

Wee haue heerin sent you a piec^t [project] of Capt *Newces* w^{ch} yf you shalbe pleased to take likinge of y^t is thought heere, will yeelde you a more certain p^offit than your Tenants to halfe, w^{ch} being p^oposed to the generall Assemblie, was by them very well approved of: we haue uppon his Peticone and deepe p^otestations (y^t he is utterlie ignorant in the busines of the Sawinge Mills) sent home the Dutchmans Sonne who cam ouer hither only for the comforte of his father, and the rather to discharge you of the payinge of unnecessary wages.

PAPERS

of the

GENERAL ASSEMBLY

of

1623/24.

[From *Neill's History of the Virginia Company of London*, pp. 407-411.]

The answere of the Generall Asseembly in *Virginia* to a Declaration of the state of the Colonie in the 12 yeers of *Sr Thomas Smiths* Gouverment, exhibited by Alderman *Johnfon* and others.

HOLDINGE it a sinne against God, and our owne sufferinge, to suffer the World to be abused wth untrue reportes, and to giue unto vice the reward of vertue, we in the name of the whole Colonie of *Virginia*, in our generall asseembly, many of us hauing beene eye witnesse and patients of those tymes haue framed out of our duty to this country, and loue unto truth, this Dismaskinge of those prayes w^{ch} are contayned in the foresaid declarationes.

In those 12 yeers of *Sr Tho: Smith* his gouernment, we auerr that the Colony for y^r most p^{te} remayned in greate want and misery under most seuer and Crewell lawes sent ouer in printe, and contrary to the expresse Letter of the Kinge in his most gracious Charter, and as mercylessly executed, often times without tryail or Judgment. The allowance in those tymes for a man was only eight ounces of meale and half a pinte of pease for a daye the one & y^e other mouldy, rotten, full of Cobwebs and Maggots loathsome to man and not fytt for beafts, w^{ch} forced many to flee for reliefe to the Savage Enemy, who being taken againe were putt to sundry deaths as by hanginge, fhootinge and breakinge uppon the wheele & others were forced by famine to filch for their bellies, of whom one for steeling 2 or 3 pints of oatmeale had a bodkinge thrust through his tongue and was tyed wth a chaine to a tree untill he starued, yf a man through his sickness had not been able to worke, he had no allowance at all, and so consequently perished many through these extremities, being weery of life digged holes in the earth and hidd themselves till they famished.

We cannott for this our scarstie blame our Comanders heere, in respect that our sustenance was to come from *England*, for had they at that time giuen us noe better allowance we had perished in generall, so lamentable was our scarstie that we were constrained to eat Doggs, Catts, ratts, Snakes, Toad-stooles, horsehides and w^t nott, one man out of the myfery he endured, killinge his wiefe powdered her upp to eate her, for w^{ch} he was burned. Many besides fedd on the Corps of dead men, and one who had gotten unfatiable, out of custome to that foode could not be restrayned, until such tyme as he was executed for it, and indeed soe miserable was our estate that the happyest day that euer some of them hoped to see, was when the Indyans had killed a mare they wishing whilst she was boylinge y^t *Sr Tho: Smith* was uppon her backe in the kettle.

And whereas it is affirmed that there were very fewe of his Ma^{ties} subiects left in those dayes and those of the meanest ranke, we answere y^t for one that now dyes, there then perished fivie, many beinge of Auncyent Howses and borne to estates of 1000^{li} by the yeere, some more, some less who likewise perished by famine. Those who suruived who had both aduentured their estates and prsonnes were constrained to serue the Colony as if they had been slaues, 7 or 8 yeeres for their freedoms, who underwent as hard and seruile labor as the basest fellow that was brought out of Newgate.

And for discouery we saye that none was discovered in those 12 yeeres, and in these 4 or 5 last yeers much more than formerly.

For our howses and churches in those tymes they were so meane and poore by reason of those calamities that they could not stand aboue one or two yeeres, the people neuer goinge to worke but out of y^e bitterness of their spirrits threatening execrable curses uppon *Sr: Thomas Smith*, neither could a blessinge from god be hoped for in those buildings w^{ch} were founded uppon y^e bloud of soe many Christians.

The Townes were only *James Cytie*, *Henryco*, *Charles* hundred, *West & Sherley* hundred,

hundred, and *Kiccoughtan* all w^{ch} in those tymes were ruined alloe, unless some 10 or 12 howses in y^e Corporatione of *James Cyttie* at this present tyme are 4 for euer one that were there, and forty times exceedinge in Goodnesse, fortifications there were none at all against y^e foraigne enemy, and those that were against the domestick very few and contemptible, Bridges there was only one w^{ch} also decayde in that tyme, yf through the forsaide calamities many had not perished we doubt not but there might haue been many more than 1000 people in the lande when *S^r Thomas Smith* left the Gouverment.

But we conceiue y^t when *S^r George Yardly* arriued Gounor hee found not aboue 400, most of those in want of corne, nearly destitute of cattle, swyne, poultre and other necessary p^ruisions to nourish them. Ministers to instruct the people there were some whose sufficiency and abilitie we will not tax, yet diuers of them had no Orders.

We knowe not at any time y^t we exceeded in Armes, Powder & munitions, but y^t in qualitie almost altogether uselesse. We acknowledg in those times there was a tryall made of diuers staple Comodities, the Colony as then not hauinge meanes to p^rceed therein, we hope in tyme there may be some better p^rgressions be made, and had it not beene for the Massacre may by this had beene brought to p^rfectione, as for boats in the tyme of y^t Gouvermt there was only one left y^t was seruiceable in the Colonie, for w^{ch} one besides 4 or 5 Shipps and pynnaces, there are now not so fewe as 40, the barques, and barges y^t then were built in number few, so unwillinglie and weakly by the people effected, y^t in the same time they also fished [perished] we neuer p^rceaued y^t the natiues of the Countrey did voluntarily yeeld themselues subiects to our gracyous Souraigne, nether that they took any pride in that title, nor p^ruide at any tyme any contrybutione of corne for sustentation of y^e Colony, nor could we at any tyme keepe them in such good respect of correspondency as we became mutually helpful each to the other but contrarily w^t at any [time] was doune p^rceeded from feare and not loue, and their corne p^rcured by trade or the sword.

To w^t growth of p^rfectione the Colony hath attayned at y^e end of those 22 [12] yeeres wee conceaue may easily be iudged by w^t we haue formerly saide. And rather to be reduced to liue under the like Goument we desire his Ma^{tie} y^t Commissioners may be sent ouer, wth authoritie to hange us.

Alderman *Johnson*, one of y^e Authors of this Declaratione hath reasone to comend him to whose offences and infamies he is so inseparably chained.

By y^e generall reporte of y^e Country w^{ch} we neuer hard contradicted, we affirme this to be true whereof all or y^e most p^rte were eye witneses or resident in y^e Country when euery p^rticular within written were effected.

Wm. Tucker

Wm. Pearce

Rawley Croshaw

Samuel Mathews

Jabez Whittaker

John Willcox

Nicholas Marten

Edward Blany

Ifack Madisone

Clement Dilke

Luke Boyse

John Utie

John Chew

Richard Staples

Gabriell Holland

Francis Wyatt

George Sandis

John Pott

John Powntis

Roger Smith

Raphe Hamor

John Southerne

Samuel Sharpe

Henry Watkins

Nathaniel Causey

Richard Bigge

Richard Kingswell

John Pollington

Robert Addams

Thomas Marlott.

[Letter of the Governor, Council, and Assembly of *Virginia* to the king in reply to Capt. *Nathaniel Butler's* "Unmasking of *Virginia*." Copied from *Stith's History of Virginia* (*Williamsburg*, 1747), pp. 307-312.]

Most gracious Sovereign,

WHEREAS a Copy of an Information, presented to Your Majesty by Captain Nathaniel Butler, entitled, *The Unmasking of Virginia*, is come to our Hands: and whereas the same is full of notorious Slanders and Falshoods, proceeding from the Malice of his corrupt Heart, and abetted by private Enmity and publick Division, which aim at the Satisfaction of their particular Spleen, altho' it be to the Subversion of this whole Colony; Wee, the Governor, Council, and Colony of Virginia, in our General Assembly, out of Zeal and Respect to Your Majesty and this our Country, not to suffer Your sacred Ears to be prophaned with false Suggestions, nor Your Royal Thoughts to be diverted from so hopeful a Plantation, which may add in time a principal Flower to Your Diadem, do, in all Humbleness, submit this our Answer to Your Princely Survey, annexed to the several Untruths of the said Informer.

1. I found the Plantations generally feated, &c.

THE Plantations, for the most Part, are high and pleasantly feated: and the rest not low, nor infested with Marshes, which, we wish, were more frequent. The Creeks are rather useful, than noisome; and no Bogs have been seen here by any, that have lived twice as many Years, as he did Weeks, in the Country; the Places which he so miscalls, being the richest Parts of the Earth, if we had a sufficient Force to clear their Woods, and to give the fresh Springs, which run through them, a free Passage. The Soil is generally rich, and restores our Trust with Abundance; the Air is sweet, and the Climate healthful, all Circumstances considered, to Men of sound Bodies and good Government.

2. I found the Shores, &c.

In this he traduceth one of the goodliest Rivers in the habitable World, which runs for many Miles together within upright Banks, till at length, enlarged with the Receipt of others, it beats on a sandy Shore, and imitates the Sea in Greatness and Majesty. It is approachable on both Sides, from half Flood to half Ebb, for Boats of good Burthen; neither is there any River in the World of this Vastness, without Cranes or Wharfs, more commodious for landing. And it is equally contrary to Truth, that by wading we get violent Surfeits of Cold, which never leave us, till we are brought to our Graves.

3. THE new People, sent over, arriving for the most Part, &c.

We affirm, that the Winter is the only proper time for the Arrival of new Comers; whereof the Governor and Council have often, by their Letters, informed the Company; and the like Advice has been given to their Correspondents, from time to time, by private Planters, for their Supply of Servants. As to Houses of Entertainment, there was a general Subscription, amounting to an unexpected Sum, and Workmen actually employed, to build a fair Inn in *James City*, and every principal Plantation had resolved on the like, for the Entertainment of their new Supplies; when it pleased God, to punish our Crimes by the bloody Hands of the Indians, which obliged us to divert that Care to the Housing ourselves, many of us having been unfurnished by that Disaster. But Buildings of late have every where encreased exceedingly; neither have new Comers any Reason to complain, when every Man's House is, without Recompence, open to the Stranger, even to the disaccommodating ourselves. So that we may with Modesty boast, that no People in the World do exercise the like Hospitality. As for dying under Hedges (whereof there are none in *Virginia*) or lying unburied in the Woods, by reason of this Defect, it is utterly false. However, if such things should sometimes be seen accidentally here, the like may, and often doth happen, in the most flourishing Countries of *Europe*.

4. THE Colony was, this Winter, in great Distress, &c.

THE Colony, that Winter, was in no Distress of Victual, as the Accuser well knoweth. For he bought Corn himself for eight Shillings a Bushel, cheaper, as we hear, than it was then sold in *England*. It is true, a succeeding Scarcity was feared. But what less could

be

be expected, after such a Massacre; when near half the Colony were driven from their Habitations in time of planting, others streightened in their Ground by receiving them, and all interrupted in their Business by supporting a sudden War? *English* Meal sold, as he affirmeth, at thirty Shillings the Bushel, was only sold for ten Pounds of Tobacco: for which, in truck, we ordinarily receive under twelve Pence a Pound, real Value. And it is not to be supposed, that any of the Great should affect Scarcity, in order to enrich themselves by Trade. For Trade hath ever been free for us all; neither have they, who have brought in most Corn, sold it out at unconscionable Rates, but have often freely imparted it to the Necessity of others, without any other Advantage than Repayment. We agree with that Prime-one, who wished, that Corn might never be under eight Shillings a Bushel; meaning in Tobacco at three Shillings a Pound. For so there would be some Proportion between the Profit of making the one and the other, and Corn would thereby be planted in greater Abundance.

5. THEIR Houses are generally the worst, &c.

OUR Houses, for the most Part, are rather built for Use than Ornament; yet not a few for both, and fit to give Entertainment to Men of good Quality. If we may give Credit to those, who are accounted the most faithful Relaters of the *West-Indies*, many Cities of great Rumour there, after threescore Years Progress, are not to be compared in their Buildings to ours. And so far are they from the meanest Cottages in *England*, that many Towns there have hardly one House in them, which exceedeth ours in Convenience or Structure. The greatest Disparagement, that some of them received, proceeded from his Riots and lascivious Filthiness with lewd Women, purchased with Rials of Eight and Wedges of Gold, the Spoils of the distressed *Spaniards* in *Bermudas*; which, as we are informed by a Gentleman of good Credit, who casually surveyed his Inventory, did, with other Treasure, amount to divers Thousands. As for the Interposition of Creeks, which Men are most desirous to seat upon, where we cannot go by Land, we have Boats and Canoes, for our sudden Transport on any Occasion.

6. I found not the least Piece of Fortification. &c.

WE have, as yet, no Fortifications against a foreign Enemy, altho' it hath been endeavoured by the Company, with a Success unanswerable to their Care and Expence; as also lately by ourselves. But the Work, being interrupted by the Scarcity of last Summer, shall proceed again, God willing, with all convenient Expedition; and almost all our Houses are sufficiently fortified against the Indians, with strong Palisadoes. His Envy would not let him number truly the Ordinance at *James City*; four Demi-Culverins being there mounted, and all serviceable. At *Flower-de-Hundred*, he makes but one of six; neither was he ever there, but, according to his Custom, reporteth the unseen as seen. The same Envy would not let him see the three Pieces at *Newport's-News*, and those two at *Elisabeth-City*. Two great Pieces there are at *Charles Hundred*, and seven at *Henrico*. Besides which, several private Planters have since furnished themselves with Ordinance. So that it were a desperate Enterprize, and unlikely to be attempted by a Man of his Spirit, to beat down our Houses about our Ears, with a Bark of that Burthen.

7. EXPECTING, according to their printed Books, &c.

THE time that this Informer came over, was in the Winter, after the Massacre; when those Wounds were green, and the Earth deprived of her Beauty. His Ears were open to nothing but Detraction, and he only enquired after the Factious, of which there were none among us, and how he might gather Accusations against those in the Government, being, as it should seem, sent over for that Purpose. Otherwise he could not but hear of our Proclamations for the Advancement of Staple Commodities, and with what Alacrity and Success they proceeded; Vines and Mulberry Trees being planted throughout the whole Country, the Iron-Works in great Forwardness and shortly to receive Perfection, and the Glass-Works laboured after with all possible Care, till the Slaughter by the Indians, and the succeeding Mortality, gave a Ruin to some, and Interruption to all. So that he hath nothing but our Misfortunes to accuse and upbraid

us with; which have obliged us, still to follow that contemptible Weed, as well to sustain the War, as to enable us again to erect those Works. As for deriding the Books, that were sent over by the Company, it was done by himself, and no other, that we know of.

8. I found the ancient Plantations of *Henrico*, &c.

STILL he abuseth your Majesty with these Words, *I found*, in Places, where he never was by some Score of Miles; having never been higher up the River, than the Territories of *James City*. *Henrico* was quitted in Sir *Thomas Smith's* Time, only the Church and one House remaining. *Charles City*, so much spoken of, never had but six Houses. The Soil of both is barren, worn out, and not fit for Culture. The Loss of our Stocks the Informer hath less Reason to urge. For he joined with the Indians in killing our Cattle, and carried the Beef aboard his Ship; which would have cost him his Life, if he had had his Deserts.

9. WHEREAS according to his Majesty's gracious, &c.

THE Governor and Council, whom it only concerned, replied to this; that they had followed the Laws and Customs of *England* to their utmost Skill; neither could he, or any other, produce any Particular, wherein they had failed. As to their Ignorance, they held him to be no competent Judge of those, who so far transcended him in Point of Learning and Ability. For he had never been bred to the Law (as was not unknown to some of them) nor yet in any other of the liberal Sciences. But his principal Spleen in this Article, appeared to proceed from his not being admitted of the Council, which they could by no means, consistently with their Instructions, do.

10. THERE having been, as it is thought, ten thousand, &c.

HIS Computation of ten thousand Souls falleth short of four thousand; and those were, in great part, wasted by the more than *Egyptian* Slavery and *Scythian* Cruelty, which was exercised on us, your poor and miserable Subjects, by Laws written in Blood, and executed with all Sorts of Tyranny, in the Time of Sir *Thomas Smith's* Government; whereof we send your Majesty the true and tragical Relation, from which it will plainly appear, that the pretended Confusions and private Ends will strongly reflect upon him and his Instructors. And how unfit such Men are, to restore that Plantation, which suffered so much under their Government, we humbly refer to your princely Consideration; invoking, with him, that divine and supreme Hand, to protect us from such Governors and their Ministers, who have poured out our Blood on the Earth like Water, and have fattened themselves with our Famine. And we beseech your Majesty, to support us in this just and gentle Authority, which has cherished us of late by more worthy Magistrates; and We, our Wives, and poor Children, as is our Duty, shall ever pray to God, to give you in this World all Increase of Happiness, and to crown you in the World to come, with immortal Glory.

[From the *Bancroft Transcripts*, *New York Public Library*, II, 585-590.]

To the Kinges most excellent Ma^{tie}

The humble Petition of the Governor Counsell and Collony of Virginia in their Generall Affembly.

Humbly sheweth,

THAT whereas to our great Comfort, we have lately understoode that Yo^r Ma^{tie} notwithstandinge the unjust disparagements of this Plantation, hath taken y^e into yo^r more neere and especiall care; that yo^r Royall intentions may have their one effecte, We, urged by our duty and experiences, doe humbly beseech that credit may not be given to the late declarations presented to yo^r highnes concerneinge the happie, but indeed miserable estate of the Collony duringe the first twelve yeares; neither to those malicious imputations, w^{ch} have ben layde on the latter; but to be pleased to beholde in little the true estate of both, by our relations w^{ch} we now present by the handes of M^r *John Pontis* a worthy member of our bodye, conteyninge

conteyninge nothinge but the truth, wthout difaffection or partialitye, whereby we doubt not but Yo^r Ma^{tie} will underftande of the Condition of both tymes; and be pleased, accordinge to our earneft defires to continue the Government under w^{ch} we live: confirmed by yo^r Princely care and fupportance: But if yt fhall please Yo^r Ma^{tie} otherwife to determine, our prayers follicite your tender Compaffion that you will not fuffer yo^r poore Subjectes to fall into the handes of Sir *Tho: Smith* or his Confidants, who have lately abufed yo^r Sacred cares wth wronge Informations; but that yo^u will gratioufly protect us from thofe groweing stormes ingendered by faction w^{ch} preface the fubverfion of fome whofe endeavors have deferved a better rewarde, and in generall of the wholl Plantation. And that we may depend upon noe meaner perfons then of late we have doune fince the A^{ction} is of fuch hono^r and confequence. And in that by the late Maffacre, continued warre, and meane prizes of Tobacco, we are difabled for fetting up ftaple Comodities, extirpation of the perfidious Salvages (much leffe for fortification againft a forrein enymie) We humblie follicite the effect of yo^r Ma^{ties} gracious intention for our, and the *Somer* Ifflandes, fole importation of tobacco: befeechinge yo^r Ma^{tie} to believe that we affect not that Contemptible weede as an end, but as a prefent meanes whereof We doubt not ere longe to give yo^r Ma^{tie} a reall affurance. And if Yo^r Ma^{tie} fhall be gratioufly pleased to fend over that aid of Souldiers, whereof we have been put in hope, or what other fupport Yo^r Royall bounty fhall afforde us: Wee moft humblie defire that the Gouverno^r, Counfell and General Affembly may have a voyce in their difpofall, fince none at that diftaunce by reafon of accidents and emergent occafions can direct y^t, fo advantageoufly as our prefence and experience And we our Wives and poore Children fhall ever praye to God, as is our dutie, to give you in this worlde all increafe of happines and to crowne you in the World to come wth imortall Glorye.

Francis: Wyatt

*George Sandys.
Roger Smythe.
Raphe Hamor*

*Frans: West.
George Yeavelley [Yeardley].
John Pott.*

*Will: Peirce.
Nath: Baffe.
Edw. Blayney.
Clem^t Dilke.
Rich: Stephens.
Rich^d Kingemill
Gabriel Holland.*

*Will: Tucker.
John Pollington.
John Utie.
Luke Boys.
John Chewe.
Nath. Cauffey.
Thomas Marloe.*

*Jabez Whittaker.
Nic. Martian
Isaack Chaplain.
Thomas Harris
Rob^t Addams.
Rich. Bigges.*

[From the *Bancroft Transcripts*, *New York Public Library*, II, 365-372.]

Right Hono^{ble},

WEE have received divers letters from yo^r Lo^{ps} fome to the Gov^r and counfell in perticuler others to the Collony in generall, wth Coppies of yo^r orders from the Company, and laftly other orders brought over by M^r *Povey*. By them all we underftande the princely care that his Ma^{tie} hath of this Plantation, for w^{ch} we retorne our humbleft thanks and earneftly follicite the continuance of his favo^r

By the firft we underftoode of his Ma^{ties} remittinge of thre pence in the fhilling in the Cufomes of his tobacco, and of grauntinge unto us the fole importation: then w^{ch} there is nothinge that will give more life or a speedier advancement to this Collony, for little or nothinge can be expected from povertye to w^{ch} the meane prizes therof and great charges of warre have reduced us neither have wee, in this eftate wherein we are, the meanes to fortifie, nor to fett up thofe ftaple comodities w^{ch} require a longe expectation

¹ This name fhould be "*Pory*".

tion of profit: all the fruites of o^r labors amountinge to noe more (if soe much) then will cloth and feed us. Wee therefore humbly intreat yo^r Lo^{ps} that yo^u will take Consideration of us, and be a meanes to his Ma^{ties} to confirme his former intention, wth all to take into yo^r hono^{ble} considerations that heavy burthen in payeing for Customes above a thirde of o^r labo^{rs} w^{ch} we desire may bee reduced to five in the hundred according to his Ma^{ties} gracious letters Patents. Wee further understande by yo^r Lo^{ps} letters, that we have been accused by one that came from hence of neglect of fortifications of buildinge of houses and provideinge of sustenance: against whome we protest that his relation as in other things, soe in this, is untrue and slanderous. We have in due submission to yo^r Lo^{ps} published yo^r orders sent over by M^r Povey^r whereby wee understande his Ma^{ties} intention in changeinge the Government of this Collony, we are ignorant of the dangers and ruynes that might have befallen us by the continuance of the former, neither have we any thinge to accuse them wth that have swayed our affaires, since the expiration of S^r Thomas Smyths authoritye, our slavery haveinge since been converted to freedome, and wee cherished under a just and moderate Govern^t: neither had they nor wee been subject to sentence, if the bitter effects of the Massacre had not clouded their zeale and our endeav^{ors} yet howsoever yt pleaseth his Ma^{tie} to dispose of us, it is our humble desire, that the Governo^{rs} that are sent over may not have absolute authoritye, but may bee restrayned as formerly by the consent of this Counsell, w^{ch} tittle we desire may be retainned to the hono^r of this Plantation, and not converted to the name of assistants, some inconveniences we have founde by the strickt limitations of the Governo^r and Counsell by instructions out of *Englande*, since in so farre a distance and not perfect knowledge of the Country that may seeme good in advise, w^{ch} may by accident prove otherwise in execution, neither holde we yt fitt that any mayne project be sett a foot, w^{ch} hath not from hence approbation, besides we suppose that the short continuance of Governo^{rs} in their places is very disadvantageous to the Collony, who for the first yeare are rawe in experience and for the most part in ill disposition of health through the change of the Clymate, the seconde yeare they beginn to understande the affaires of the Country, and the thirde provide for their retorne. But above all we humbly intreat yo^r Lo^{ps} that we may retaine the libertie of our generall Assemblie, then w^{ch} nothinge can more conduce to our satisfaction or the publike utilitie. Thus submitteinge ourselves and our affaires to yo^r hono^{ble} patronage, We humbly take our leaves.

Wholly to be disposed by yo^r Lo^{ps}

Francis Wyatt.

James Cytty.

the last of *Februarye* 1623.

George Yeardley.

Roger Smythe.

J. Pountes.

Will Peirce.

Isaack Maddison.

Jabez Whittaker.

Nath. Basse.

John Utie.

Rich: Stephens.

John Chewe.

Edward Gryndon.

Thomas Marlott.

Gabriell Holland.

Edw: Blayney.

John Wilcocks.

Frans. West.

George Sandys.

Raphe Hamor.

Sam. Mathews.

Will Tucker.

Nicolas Martian.

Isaack Chaplin.

Clem^t. Dilke.

Sam Sharpe.

Nathaniel Cauffey.

Richard Biggs:

Henry Watkins.

Robert Addams.

Rawley Crofham.

Rich. Kingesmyll.

Luke Boys.

(Indorsed)

"To the Right Hono^{ble} our very good Lordes: the Lordes of his Ma^{ties} most Hono^{ble} Privie Counsell."

[From

¹ This name should be "Fery".

[From Colonial Records of Virginia, pp. 69-83.]

A Breife Declaration of the Plantation of *Virginia* duringe the first Twelve Yeares, when Sir *Thomas Smith* was Governor of the Companie, & downe to this present tyme. By the Ancient Planters nowe remaining alive in *Virginia*.

WHEREAS in the beginninge of Sir *Thomas Smiths* twelve yeares government, it was published in printe throughout the Kingdome of *Englande* that a Plantation should be settled in *Virginia* for the glorie of God in the propagation of the Gospell of *Christ*, the conversion of the Savages, to the honour of his Majesty, by the enlargeinge of his territories and future enrichinge of his kingdome, for which respects many noble & well minded persons were induced to adventure great sums of money to the advancement of soe pious & noble a worke, who have from the very first been frustrate of their expectation, as wee conceive, by the misgovernment of Sir *Thomas Smith*, aiminge at nothinge more then a perticular gaine, to be raised out of the labours of such as both voluntarilie adventured themselves and were otherwise sent over at the common charge. This will cleerely appeare in the examination of the first expedition & severall supplies in the tyme of his government.

The first Plantation in *Virginia* consisted of one hundred persons, so slenderly provided for that before they had remained halfe a yeare in this new Collony they fell into extreame want, not havinge anything left to sustein them save a little ill conditioned Barley, which ground to meal & pottage made thereof, one smale ladle full was allowed each person for a meale, without bread or aught else whatsoever, so that had not God, by his great providence, moved the Indians, then our utter enemies, to bringe us reliefe, we had all utterlie by famine perished. How unable so small a companie of people, soe poorly sent over, were to make way for such as shoulde followe, may easily be judged.

The first supplie beinge two shippes, the *John & Francis & Phenix*, with one hundred & twenty persons, worse every way provided for then the former, arrived heere about eight or nine months after & found the Collony consisting of no more then forty persons (of those) tenn only able men, the rest at point of death, all utterly destitute of howses, not one as yet built, so that they lodged in cabbins & holes within the ground; victualls they had none, save some small reliefe from the Indians, as some yet living weare feelinge witness, neither were we for our future and better maintenance permitted to manure or till any ground, a thing in a new Plantation principally to be regarded, but weare by the direction of Sir *Thomas Smith*, and his officers heere, wholly imployed in cuttinge downe of mafts, cedar, blacke wallnutt, clapboarde, &c., and in digginge Gould oare (as some thought) which beinge sent for *England* proved dirt. These works to make retorne of present profit hindered others of more necessary consequence of Plantation.

After this first supplie there were some few poore howses built, & entrance made in cleeringe of ground to the quantitie of foure acres for the wholl Collony, hunger & sickness not permitting any great matters to bee donne that yeare.

The second supplie was a ship the *Mary Margett*, which arrived here nine months after, about the time of *Michaelmas*, in her sixty persons, most gentlemen, few or no tradesmen, except some *Polanders* to make Pitch, tarre, potashes, &c., to be retorned for present gaine, soe meanly likewise were these furnished forth for victualles, that in lesse then two monthes after their arrivall, want compelled us to imploye our time abroad in trading with the Indians for corne; whereby though for a time we partly relieved our necessities, yet in *Maye* followinge we weare forced (leavinge a small garde of gentlemen & some others about the president at *James Towne*) to disperse the wholl Collony, some amongst the Salvages but most to the Oyfter Banks, where they lived uppon oyfters for the space of nine weekes, with the allowance only of a pinte of Indian corne to each man for a week, & that allowance of corne continued to them but two weekes of the nine, which kinde of feeding caused all our skinns to peelee off, from head to foote, as if we had beene flead¹. By this time arrived Captaine *Samuell Argall* in a small Barque, with

¹ An obsolete form of "flayed".

with him neither supplie of men nor victualls from the Company; but we understandinge that he had some small provisions of bread and wine, more then would serve his owne companie, required him and the master of the Barque to remaine ashoare whilst we might bring his sailes ashoare the better to assure us of his ship & such provisions as could be spared, whereunto he seemed willingly to condescend. Those provisions, at a small allowance of Biskett, cake, and a small measure of wine or beere to each person for a Daye some what relieved us for the space of a month, at the end of which time arrived the thirde supplie, called Sir *Thomas Gates*, his fleet, which consisted of seaven shippes & neere five hundred persons with whom a small proportion of victuall, for such a number, was landed; howses few or none to entertain them, so that being quartered in the open feilde they fell uppon that small quantitie of corne, not beinge above seaven acres, which we with great penury & sufferance had formerly planted, and in three days, at the most, wholly devoured it.

These numbers, thus meanly provided, not being able to subsist and live together weare soone after divided into three parties and dispersed abroad for their better reliefe. The first under commande of Captaine *Francis West* to seat at the head of the River; a second under commande of Captaine *John Smith*, the President, at *James Towne*, & the other, with Capt. *John Martin*, in the River at *Nansamun*, which divisions gave occasions to the Indians treacherously to cutt off divers of our men & boates, and forced the rest at the end of fixe weekes, havinge spent those small provisions they had with them, to retire to *James Town* & that in the depth of winter, when by reason of the colde, it was not possible for us to endure to wade in the water (as formerly) to gather oysters to satisfie our hungry stomacks, but constrained to digge in the grounde for unwholesome rootes whereof we were not able to get so many as would suffice us, in respect of the frost at that season & our poverty & weakness, so that famine compelled us wholly to devoure those Hogges, Dogges & horses that weare then in the Collony, together with rates, mice, snakes, or what vermin or carryon soever we could light on, as alsoe Toad-stooles, Jewes eares, or what els we founde growing upon the grounde that would fill either mouth or belly; and weare driven through unsufferable hunger unnaturallie to eat those thinges which nature most abhorred, the flesh and excrements of man, as well of our owne nation as of an Indian, digged by some out of his grave after he had laien buried three daies & wholly devoured him; others, envyinge the better state of bodie of any whom hunger had not yet so much wasted as there owne, lay waight and threatened to kill and eat them; one amonge the rest slue his wife as she slept in his bosome, cutt her in peeces, powdered her & fedd uppon her till he had clean devoured all partes saveinge her heade, & was for soe barbarouse a fact and cruelty justly executed. Some adventuringe to seeke releife in the woods, dyed as they sought it, & weare eaten by others who found them dead. Many putt themselves into the Indians handes, though our enemies, and were by them slaine. In this extremitye of famine continued the Collony till the twentieth of *Maye*, when unexpected, yet happely, arrived Sir *Thomas Gates* & Sir *George Somers* in two small Barques which they built in the *Sommer Islands* after the wreake of the Sea adventure wherin they sett forth from *Englande*, with them one hundred persons barely provided of vittell for themselves. They founde the Collony consistinge then of but sixty persons most famished and at point of death, of whom many soone after died; the lamentable outcries of theirs soe moved the hartes of those worthies, not being in any sorte able long to relieve their wantes they soone resolved to imbarque themselves & this poore remainder of the Collonye, in those two pinnaces & two other small Barques then in the River, to sett saile for *Newfoundland* where they might relieve their wants & procure one safer passage for *Englande*. Every man, glad of this resolution, laboured his uttmost to further it, so that in three weekes we had fitted those barques and pinnaces (the best we could) & quitted *James Towne*, leaving the poore buildings in it to the spoile of the Indians, hopeinge never to retorne to re-possess them. When we had not sailed downe the River above twelve miles but we espied a boat which afterwards we understoode came from the right Honourable Lorde *La Ware*, who was then

then arrived at *Point Comfort* with three good shippes, wherein he brought two hundred and fifty persons with some store of Provisions for them; but by reason he founde the Collony in so great want was forced to put both his owne people & the rest of the Collony to a very meane allowance, which was seven pounce of *English* meale for a man a weeke, & five pounds for every woman, without the addition of any victuall whatsoever, except, in the steade of meale, we took valuablic either pease or oatmeale. Upon the arrival of that boat, Sir *Thomas Gates* underitandinge from the Lord *La Ware*, that his Lordship was arrived with commission from the Company to be Gov^r & Capt. Gen^l of *Virginia*, & had brought men & provisions for the subsistinge & advancing of the Plantation, he the very next daye, to the great grieve of all his Company (only except Capt. *John Martin*), as winde and weather gave leave, returned his whole company with charge to take possession againe of those poore ruinated habitations at *James Towne* which he had formerly abandoned; himselfe in a boate proceeded downeward to meete his Lordship who, making all speede up, arrived shortly after at *James Towne*. The time of the yeare being then most unseasonable, by intemperate heat, at the end of *June* his people suddenly falling generally into most pestilent diseases of Callentures and feavors, not lesse then one hundred & fifty of them died within few moneths after, & that chiefly for want of meanes to comfort them in their weak estates. The residue alsoe disabled by reason of sicknes could performe nothing that yeare to the advancement of the Collony, yet with the help of those people which had arrived with Sir *Thomas Gates*, together with some of the ancient Planters, who by use weare growen practique in a hard way of livinge, two small forts weare erected neare the rivers mouth at *Kicoughtan*, encompassed with small younge trees, haveinge for housing in the one, two formerlie built by the Indians & covered with bark by them, in the other a tent with some few thacht cabbins which our people built at our comming thether. We founde divers other Indian Howses built by the natives which by reason we could make no use of we burnt, killinge to the number of twelve or fourteene Indians, & possesseinge such corne as we founde growinge of their plantinge. We remained there untill harvest, when we reaped (besides what we spent) about the quantitie of one hundred and fiftie bushells of corne, which, by order from the Lord *La Ware*, was transported to *James Towne*.

His Lordship intendinge to send up certain forces to march towards the mountaines for the discoverie of gold or silver mines at the end of *October*, sent his Patents to Captaine *Yardley* and Captaine *Holcroft*, commanders of those two forts at *Kicoughtan*, wherein his Lordship gave order that they should be forthwith abandoned & the people with all speede to be brought to *James Citie*, there to prepare for his intended march.

At that time there arrived a small ship call the *daintie*, with twelve men & one woman, some little provision of victuall, two or three horses & some other slight necessities for the Collony. Soon after we sett forward for our intended march, havinge for our leaders Captaine *Edwarde Breuster* & Captaine *George Yeardley*, being in number one hundred persons, furnished with all such necessary provisions, as the Collony at that time out of its poverty was able to provide. This designe was hindered by reason of the unfortunate losse of all our chieffe men skillfull in findeinge out mines, who weare treacherously slaine by the Salvages (inviteinge them ashore to eat victualls which they wanted) even when the meate was in their mouthes, they careinge only to fill their bellies, foresaw not to prevent this danger which befell them.

This injury we revenged for the present (as we coulede) by killinge some Indians and burninge many houses, but by reason of this disaster we proceeded not farther on our journey then the head of the River, where we spent about three moneths doinge little but induringe much; his Lordship was there in person for the most part of that time, but his disease of body groweing much upon him he resolved to retire to *James Towne*, givinge order that the fort which we had built there shoulde bee quitted and the troupe drawn downe, which accordingly was done. His Lordship then in regarde of his sickness was advised to putt to Sea in his ship, the *Delaware*, to seeke remedie in some other parts for the health of his bodye. At his going he left Captaine *George Percie*

Deputie

Deputie Governor, the people (remaining under his command) provided for three months at a short allowance of victuals. The calamities of these times would not any way permit workes of great importance to bee performed, sith that we did was as much as we could doe to live and defende our selves.

The Plantations helde at his Lordships departure were only *James Towne* and *Pointe Comforte*, where a small Fort fenced with Palisadoes, in it one flight howse, a store and some few thatcht cabbins, which shortly after by casualtie was burnt with fire; some few great ordinance were slenderlye mounted at *James Towne* and *Pointe Comfort*.

A fortnight after his Lordships departure arrived a small ship called the *Hercules*, with some thirty people and some provisions for them. The twelve of *May* followeing arrived Sir *Thomas Dale* with three ships and three hundred persons, his provisions for them of such qualitie (for the most part) as hogges refused to eat, some whereof were sent backe to *England* to testifie the same, and that the rest was not better was justified upon oath before the Hon^{ble} the Lorde Cheife Justice of the Common Pleas, at *Guilde hall* in *London*, by Sir *Thos. Gates* & two other gentlemen.

Sir *Thomas Dale*, takinge into consideration the precedent times not to have succeeded accordinge to the greedy desire of Sir *Thomas Smith*, presently imployed the general Colony about the lading of those three ships with such freight as the country then yealded, but a little before the ships were readie to depart, Sir *Thomas Gates* arrived with three ships and three carvills, with him three hundred persons meanly provided with victualls for such a number. In this fleet, to our remembrance arrived sixtie cowes and some swine; it was his care to dispatch those shippes and carvills freighted (as aforefaid) to the neglect of workes of greater importance. Sir *Thomas Dale* immediately upon his arrival, to add to that extremitye of miserye under which the Collonye from her infancie groaned, made and published most cruell and tiranous lawes, exceeding the strictest rules of marishall discipline, which lawes were sent over by Sir *Thomas Dale* to Sir *Thomas Smith* by the hande of Mr *William Starchey*, then Secretarie to the State, and were retorned in print, with approbation, for our future government, as in divers bookes yet extant more fully appeareth.

At *Michaellmas* then next following, Sir *Thomas Dale* removed himself with three hundred persons for the buildinge of *Henrico Towne*, where being landed he oppressed his whole companye with such extraordinarye labors by daye and watchinge by night, as maye seeme incredible to the eares of any who had not the experimentall triall thereof. Wante of houses at first landinge in the colde of winter, and pinchinge hunger continually bitinge, made those imposed labours most insufferable, and the best fruits and effects thereof to be noe better then the slaughter of his Majestys free subjects by starveinge, hangeinge, burneinge, breakinge upon the wheele and shootinge to deathe, some (more than halfe famished) runninge to the Indians to gett reliefe beinge againe retorned were burnt to death. Some for stealinge to satisfie their hunger were hanged, and one chained to a tree till he starved to death; others attemptinge to run awaye in a barge and a shallop (all the Boates that were then in the Collonye) and therin to adventure their lives for their native countrye, beinge discovered and prevented, were shott to death, hanged and broken upon the wheele, besides continuall whippings, extraordinarye punishments, workinge as slaves in irons for terme of yeares (and that for petty offences) weare dayly executed. Many famished in holes and other poore cabbins in the grounde, not respected because sicknes had disabled them for labour, nor was their sufficient for them that were more able to worke, our best allowance being but nine ounces of corrupt and putrified meale and halfe a pinte of oatmeale or pease (of like ill condition) for each person a daye. Those provisions were sent over by one *Winne* a Draper, and *Caswell*, a baker, by the appointment (as we conceive) of Sir *Thomas Smith*. Under this Tiranus Government the Collony continued in extreame slavery and miserye for the space of five yeares, in which time many, whose necessities enforced the breach of those lawes by the strictnes and severitye thereof, suffered death and other punishments.

Divers

¹ This should be "*Strachey*".

Divers gentlemen both there and at *Henrico* towne, and throughout the wholl *Collonye* (beinge great adventurers and no frendes or alliance to Sir *Thomas Smith*) weare feeling members of those generall calamities, as far forth as the meanest fellow sent over.

The buildings and fortifications of that Towne, or thereabouts, were noe way extraordinary, neither could want, accompanied with bloode and crueltie, effect better.

Fortification against a foreign enemy there was none, only two or three peeces of ordenance mounted, and against a domesticke noe other but a pale inclosinge the Towne to the quantitie of foure acres, within which those buildings that weare erected, coule not in any mans judgement, neither did stande above five yeares and that not without continuall reparations; true it is that there was a Bricke Church intended to be built, but not soe much as the foundation thereof ever finished, but we contentinge our selves with a church of wood answerable to those houses. Many other workes of like nature weare by him donne at *Henrico* and the precincts thereof, but so slightly as before his departure hence, he himself saw the ruine and desolation of most of them.

Sir *Thomas Gates* likewise in his time erected some buildinges in and about *James Towne*, which by continuall cost in repaireinge of them doe yet for the most part in some sort remaine.

A framed Bridge was alsoe then erected, which utterly decayed before the end of Sir *Thomas Smiths* government, that being the only bridge (any way soe to be called) that was ever in the country. At this time in all these labours, the miserye throughout the wholl *Collony*, in the scarcitie of foode was equall; which penurious and harde kinde of liveinge, enforced and emboldened some to petition to Sir *Thomas Gates* (then Governor) to grant them that favor that they might employ themselves in husbandry, that thereby they and all others by plantinge of corne, might be better fed then those supplies of victual which were sent from *Englande* woulde afforde to doe, which request of theirs was denied unlesse they woulde paye the yearlye rent of three barrells of corne and one monthes worke to the *Collonye*, although many of them had been employed in the general workes and services of the *Collony* from the beginninge of the Plantation, which harde condition of Tenantship was then accepted rather then they woulde continue in those general services and employments noe waye better then slavery. Most part of the time that Sir *Thomas Gates* and Sir *Thos. Dale* governed we were at warre with the natives, so that by them divers times were many of our people slaine, whose blood Sir *Thomas Dale* neglected not to revenge, by divers and fundry executions, in killinge many, cuttinge downe and takinge away their corne, burninge their houses, spoiling their weares, &c.

In this time alsoe the two fortes, fort *Henry* and fort *Charles*, at *Kicoughton*, were againe erected with such buildings as were formerly expessed, not fortified at all against a forreine enemye, and against the Indian that common order of a pale or pallisadoe.

The supplies sent out of *Englande* while Sir *Thos. Gates* and Sir *Thos. Dale* governed were these; a small barque called the *John* and *Francis*, which brought few men and less victual; the next a small ship called the *Sarah*, with the like number of men and victuall; the next ship called the *Trefoer*, wherein came Capt. *Samuell Argoll*, bringinge with him to the number of fiftie good men, which ship and men were wholly employed in Trade and other services for relievinge of the *Collonye*; the next ship, called the *Elizabeth*, with about thirteene persons, for them little provision; the next the same *Elizabeth* came againe, with some small store of provisions only; in her Sir *Thos. Gates* went for *Englande*, leavinge the government with Sir *Thomas Dale*.

A little before the departure of Sir *Thomas Gates* many of the ancient planters (by the instigation of Sir *Thomas Dale*), uppon the promise of an absolute freedome after three yeares more to be expired (havinge most of them already served the *Collonye* six or seaven yeares in that general slavery) were yet contented to worke in the buildinge of *Charles City* and *Hundred*, with very little allowance of clothinge and victuall, and that only for the first yeare, being promised one moneth in the yeare, and one daye in the weeke from *Maye* daye till harvest, to gett our maintenance out of the earth without
any

any further helpe; which promise of Sir *Thos. Dale* was not performed, for out of that small time which was allowed for our maintenance we were abridged of nere halfe, soe that out of our daily taskes we were forced to redeeme time wherin to labour for our sustenance, thereby miserably to purchase our freedome. Yet so fell it out that our State (by Gods mercy) was afterwarde more happie then others who continued longer in the aforementioned slaverye; in which time we built such houses as before and in them lived with continual repairs, and buildinge new where the old failed, untill the massacre.

For matter of fortification in all this time, were only foure peeces of ordinance mounted for our defence against the natives. Soone after we were feated at *Charles Hundred*, Sir *Thomas Dales* resolved of a journey to *Pamunkey River*, there to make with the Salvages either a firme league of friendship or a present warre; they percieving his intent inclined rather for peace (more for feare then love) which was then concluded betwixt them. That done we returned to our habitations where great want and scarcitie, oppressed us, that continuinge and increasinge, (our first harvest not yet being ripe) caused in many an intended mutinye, which beinge, by Gods mercy, discovered, the prime actors were duly examined and convicted, wherof fixe beinge adjudged and condemned were executed.

After this, arrived for supply a small ship called the *John and Francis*, with about twenty persons and little or noe provisions for them. The next ship, called the *Treasure*, arrived heere with the number of twenty persons and as little provisions as the former, in which ship after many other designed were effected by Sir *Thos. Dale*, as makinge spoile of the *Keschicks* and *Warisecoyacks*, impaling some necks of Lande, for defence against the Salvages, and in fishing for our reliefe, &c., he departed from *Virginia*, and left the Government to Captain *George Yardley*, under whom the Collony lived in peace and best plentye that ever it had till that time, yet most part of the people for that yeare of his Government continued in the generall services followinge their labors as Sir *Thos. Dale* left them by order.

At *Michaelmas* followinge arrived a small ship called the *Susan*, her lading (beinge the first Magazin) consistinge of some necessarye provisions of clothinge, as our wants required, which goods were sold by Sir *Thos. Smith's* factor, as we suppose, for a sufficient profit, exchanginge with us their commodities for our Tobacco.

At *Christmas* then followinge, just occasion beinge given by the Indians of *Chiquohomini* in many and severall kindes of abuses, and in deridinge of our demandes, wherunto they had formerly agreed and conditioned with Sir *Thomas Dale* to paye us yearlye tribute, viz: a bushell of corne for every Boweman, for which, by agreement, we were to give to each man one peece of copper and one iron tomahawke, and to the eight chiefe men each a suit of redd cloth, which clothes and truckinge stuffe we esteemed of more worth then their corne. These and the like grosse abuses moved our Governor, Captaine *George Yeardley*, to levye a company of men, to the number of eighty-four, to bee revenged uppon those contemptuous Indians, which he, accordinge to his desire, fully executed, and returned home with the spoile of them: concludinge, before his departure from them, a more firme league in appearance than formerly was, for that it continued unviolated almost the space of two yeares; our people freely travelinge from Town to Towne (both men, women and children) without any armes, and were by the Salvages lodged in their houses, every way kindly intreated and noe way molested.

In *March* followinge, our three yeares time beinge expired, as it was our due, we of *Charles Hundred* demanded our long desired freedome from that common and general servitude; unto which request Captaine *George Yeardley*, freely and willingly assented, to our great joy and comfort. Yet remained the most part of the Collony in the former servitude; part of whom were farmers, the rest imployed in such workes as Sir *Thomas Dale* gave order for before his departure.

We that were freed, with our humble thankes to God, fell cheerfully to our perticular labours, wherby to our great comfort, through his blessinge, we reaped a plentiful harvest.

In

In *May* followinge arived Captain *Samuel Argoll* with commiffion to be Governor. He brought with him to the number of a hundred perfons, partly at the charge of the Company and partly at the charge of private adventures; with them was brought a very little provision for that number. At his arrival heere he founde the Collony in all parts well ftored with corne, and at *Charles Hundred* a granery well furnished by rentes lately raifed and received from the farmers, which corne he tooke poffeffion of, but how it was imployed himfelfe can beft give an account. Whileft he governed, the Collony was fenderly provided of munition, whereby a ftrict proclamation was made for reftRAINT of waftinge or fhooting away of powder, under paine of great punifhment; which forbiddinge to fhoot at all in our peeces caufed the loffe of much of oure corne then growinge uppon the ground; the Indians perceivinge our forbearance to fhoot (as formerly) concluded thereuppon that our peeces were, as they faide, ficke and not to be ufed; uppon this, not longe after they were bould to prefume to affault fome of our people, whom they flew, therin breakinge that league, which before was fo fairly kept.

Duringe his time of Government moft of the people of the Collony remained (as formerly) in the common fervice, their freedome not beinge to be obtained without extraordinary payement.

The next fhip that arrived heere was the *George*, fett forth, as we fupofe, at the charge of private adventurers, but came foe meanly provided with victuall, that had not we, the old Planters, relieved them moft of them had been ftarved. The next fhips, called the *Neptune* and *Treafurer*, arived in *Auguft* followinge, fet out at the charge of the Right Hon^{ble} the Lord *Laware*, his noble affociates, and fome other private adventurers. The people w^{ch} arived were foe poorely victualled that had they not been diftributed amongft the old Planters they muft for want have perifhed; with them was brought a moft peftilent difeafe (called the Bloody flux) which infected all moft all the whole Collonye. That difeafe, notwithstanding all our former afflictions, was never knowne before amongft us.

The next fupply weare two fhips called the *William & Thomas* and the *Guift*, which arived in *Januarie*; the *Guift* beinge fett forth at the charge of the Societie of *Martins Hundred*, the other by the Magazin and fome private adventurers.

The next, a fmall fhip called the *Elinor* (fett forth at whole charge we know not), arived heere in *Aprill* after, and in her Capt. *Samuell argoll*, leaving his Government, fhipt himfelfe for *Englande*. Whatfoever els befell in the time of his Government we omit to relate, much beinge, uppon our oathes, already fufficiently examined and our anfwers fent for *Englande*.

By all which hath heertofore beene faide concerninge this Collony, from the infancie thereof and untill the expiration of Sir *Thomas Smiths* government, may eafily be perceived and plainly underftood what juft caufe he or any els have to boaft of the flourifhing eftate of thofe times, wherin fo great miferies and calamities were indured, and foe few werkes of moment or importance performed, himfelfe beinge juftly to be charged as a prime author thereof, by his neglect of providinge and alloweing better meanes to proceede in fo great a worke, and in hindering very many of our frendes from fendinge much releife and meanes who beinge earneftly folicted from hence by our letters—wherin we lamentable complained unto them—have often befought Sir *Thomas Smith* that they might have leave to fupplie us at their owne charge both with provision of victuall and all other neceffaries, wherin he utterlie denied them fo to doe, proteftinge to them that we were in noe want at all, but that we exceeded in abundance and plentie, of all things, fo that therby our frendes were moved both to defift from fendinge and to doubt the truth of our letters, moft part of which weare by him ufually intercepted and kept backe; farther giveinge order by his directions to the Governor heere, that all mens letters fhould be fearched at the goinge away of fhips, and if in anye of them weare founde that the true eftate of the Collony was declared, they were prefented to the Governor and the indighters of them feverely punifhed; by which meanes noe man durft
make

make any true relation to his frendes of his owne or the Collonyes true estate; neither was it permitted to anye to have passe to goe home, but by force were kept heere and employed as we have faide (save some few), one of whom received his passe from the Kinge, and that closely made up in a garter, least it should have been seized upon and he kept heere notwithstanding. Those whom their frendes procured their passe in open courte from the Companye were, by private direction, neverthelesse made staye of, others procuringe private letters having been lett goe. **1676020**

We must alsoe noat heere, that Sir *Thos. Dale*, at his arrivall finding himselfe vexed by the aforefaid protestations, pulled Capt. *Newport* by the beard, and threatninge to hang him, for that he affirmed Sir *Thos. Smiths* relation to be true, demandinge of him whether it weare meant that the people heere in *Virginia* shoulde feed upon trees.

Soe may we heere conclude, as some have concluded for him, to what great growth of perfection (with the expence of that seaventie thousand poundes) the Plantation was advanced in the time of his 12 yeares government, but whether, as it is faide, he be to be praised for the managaing of these affaires, with much unanimity, moderation, integritie and judgment, we leave it to censure.

At the end of this twelve yeares arived Sir *George Yeardley* to be Gov^r and founde the Collony in this estate and thus furnished, *vizt*: For fortification against a forreign ennemie there was none at all; two demy culverin only were mounted upon rotten carriages and placed within *James Citty*, fitter to shoot downe our houses then to offend an ennemie. At *Charles Hundred*, which were mounted by Sir *Thos. Dale*, two demy culverin and one sacre; fortifications against a domestique enimie very mean. For Forts, Towns and Plantations he founde these: *James Citty*, *Henrico*, *Charles Citty* and *Hundred*, *Shirley Hundred*, *Arrahattock*, *Martin Brandon* and *Kicoughton*, all w^{ch} were but poorely housed and as ill fortified; for in *James Citty* were only those houses that Sir *Thom. Gates* built in the time of his government, with one wherin the Gov^r allwayes dwelt, an addition beinge made thereto in the time of Captaine *Sam^r Argoll*, and a church, built, wholly at the charge of the inhabitants of that cittie, of Timber, beinge fifty foote in length and twenty foot in breadth; at *Paspahayes* alsoe weare some few slight houses built; at *Henrico*, two or three old howses, a poore ruined church with some few poore buildings in the Island; *Coxen Dale* and the Maine and att *Arrahattocke* one house, at *Charles Citty* fixe howses much decayed, and, that we may not be too tedious, as these were the rest of the places furnisht.

For people then alive about the number of foure hundred, very many of them in want of corne, utterlie destitute of cattle, swine Poultrie and other Provisions to nourish them.

For Barques, Pinnaces, Shallops, Barges and Boates he founde only one olde Frigott, which belonged to the *Sommer* Islandes, one olde Shallopp built in Sir *Thos. Dales* time, one boat built in Sir *Saml Argolls* time, with two smail boates belonginge to private men. For munition a very small quantitye, the most part thereof beinge very bad and of little use. For ministers to instruct the people he founde only three authorized, two others who never received their orders.

For staple commodities at his arrivall he founde none afoot save only Tobacco. The natives he founde upon doubtfull termes, neither did we ever perceive that at any time they voluntarilie yealded themselves subjects or servants to our Gracious Sovereigne, neither that ever they tooke any pride in that title, nor paid they at any time any yearly contribution of corne for the sustentation of the Collony, nor could we at any time keepe them in suche goode respect or correspondencie that they and we did become mutuallie helpful or profitable, each to other, but to the contrary, whatsoever at any time was done upon them proceeded from fear without love, for such help as we have had from them have been procured by sworde or trade. And heere can we noe way approve of that which hath lately bene faide in the behalfe of Sir *Thos. Smith*, by some of his new frendes, that a flourishing plantation in *Virginia*, erected in the time of his 12 yeares government, hath since been destroyed through the ignorance of succeedinge

ceedinge Governors heere, for that by what we have already faide all the worlde may judge in what a flourishing estate it was, and to what growth of perfection it was advanced, at the arrivall of Sir *Geo. Yeardeley* to be Gov^r here, it beinge then in our judgments, that were members of the colony, in a poore estate.

The whole 12 yeares expired.

April, 1619.—Arived Sir *Geo. Yeardeley*, bringing certain commiffions and instructions from the Company for the better establishinge of a Commonwealth heere, wherein order was taken for the removing of all those grievances which formerly were suffered and manifested the same by publishinge a Proclamation that all those that were residend heere before the departure of Sir *Thos. Dale* should be freed and acquitted from such publique services and labours which formerly they suffered, and that those cruell lawes by which we had soe longe been governed were now abrogated, and we were now to be governed by those free lawes which his Ma^{ty}s subjects live under in *Englande*. And farther that free libertie was given to all men to make choice of their dividends of lande and, as their abilities and meanes w^d permitt, to possesse and plant upon them. And that they might have a haunde in the governinge of themselves, it was granted that a general assemblie should be helde yearly once, wherat were to be present the Gov^r and Counsell with two Burgesfies from each Plantation freely to be elected by the inhabitants thereof; this assemblie to have power to make and ordaine whatsoever lawes and orders should by them be thought good and profittable for our subsistence. The effect of which proceedinge gave such encouragement to every person heere that all of them followed their perticular labours with singular alacrity and industry, soe that, through the blessinge of God upon our willinge labors, within the space of three yeares, our countrye flourished with many new erected Plantations, from the head of the River to *Kicoughian*, beautifull and pleasant to the spectators, comfortable for the releife and succor of all such as by occasion did travaile by land or by water; every man givinge free entertainment, both to frendes or others. The plenty of these times likewise was such that all men generally were sufficiently furnished with corne, and many alioe had plenty of cattle, swine, poultry and other good provisions to nourish them. Monethly courtes were held in every precinct to doe justice in redressing of all small and petty matters, others of more consequence being referred to the Gov^r, Counsell and Generall Assemblie. Now alioe were begunne and sett a foote the erectinge of Iron Workes, plantinge of vines and mulberrie trees for the nourishinge of silke wormes; a trial made for silke grasse tillage for *English* graine, gardeninge, and the like, which gave great hopes of present and future plenty in their severall perticulars, wherein no doubt but much more had been effected had not great sickness and mortalitie prevented.

Those years fallinge out to be generally contagious through this contient, the people alioe sent over arrived heere at the most unseasonable time of the yeare, beinge at the heat of Sommer, and divers of the ships brought with them most pestilent infections, wherof many of their people had died at Sea, soe that these times alioe of plenty and libertie were mixed with the calamities of sicknes and mortalitie.

In *October, 1621*, Arived Sir *Fras. Wyatt*, Knight, with commiffion to be Gov^r and Capt. Gen^l of *Virginia*. He ratified and confirmed all the afore mentioned liberties, freedoms and priveledges, to our great happines and content; the country alioe flourished and increased in her former proceedings, as iron workes, plantinge of vines and mulberrie for silke, &c. A ship alioe was sent to the *Summer* Islandes for such commodities as that place afforded, as Potatoes, Fig Trees, Orange and Lemon Trees, and such like, many of which prosper and growe very likely to increase. But amidst this happines was the Hande of God sett against us, in great part, no doubt, for the punishment of our ingratitude in not being thankfull but forgettfull that by his mercye we were delivered from such bondage and calamitie as before time we had suffered. Justly likewise were we punished for our greedy desires of present gaine and profit, wherein many showed themselves insatiable and covetous; we beinge too secure in trustinge of a treacherous enimie, the Salvadges, they, whilest we entertained them frendly in our houses, tooke their opportunities and suddenly fell upon us, killing and murdering
very

very many of our people, burninge and devastinge their houses and plantations, this happeninge uppon the two and twentieth of *March* followinge (1622), strooke so at the life of our wellfare by blood and spoile, that it almost generally defaced the beautie of the wholl Collonye, puttinge us out of the way of bringinge to perfection those excellent workes wherein we had made so faire a beginninge.

This deadly stroke being given to the great amazement and ruine of our State, caused our Governor and Counsell, withall speede, for the safetie of the rest (lest the Indians shoulde take courage to pursue what they had begunne), to re-collect the stragling and woefull Inhabitants, soe dismembered, into stronger bodies and more secure places. This enforced reducement of the Collony into fewer bodies, together with the trouble of warre then in hande, caused the year following a slender harvest to be reaped, whereby we were constrained to relye upon hopes for our reliefe by shippinge out of *Englande*, and by trading with the more remote Salvages, most part of which supplies from *Englande* unfortunately miscarried by the waye, the Salvages, likewise, from whome we hoped to have helpe by trade, proved our most treacherous enemies, cunninglye circumventinge and cruellie murderinge such as were employed abroad to gett reliefe from them, by all which misaccidents we fell that yeare into great want and scarcitie; which since, by the blessinge of God, through our supplies we have had from the Company, together with a plentifull harvest, hath bene abundantly restored. Our Gov^r, Counsell and others have used their uttermost and Christian endeavours in prosecutinge revenge against the bloody Salvages, and have endeavoured to restore the Collonye to her former prosperitie, wherein they have used great diligence and industrie, imployinge many forces abroad for the rootinge them out of severall places that thereby we may come to live in better securitie, doubtinge not but in time we shall clean drive them from these partes, and thereby have the free libertie and range for our cattle, the increase of whom may bringe us to plentie, and maye alsoe more freely goe on againe with setting up those staple commodities which we hoped by this time to have brought to good perfection.

For the supplies shippinge, men, cattle and provisions that have arived heere since Sir *Thomas Smith* left his government we can not nowe well reckon up, they beinge manye, but must referre you to the printed bookes and to the Lifts and Invoices returned by Sir *Geo. Yeardley*.

For the State of the Collony at this present we leave to the report of such commissioners as are nowe sent over by the Right Hon. the Lordes of his Ma^{ties} privie counsell.

This beinge reade in the Gen^l Assemblie received full approbation.

[From the *Bancroft Transcripts*, *New York Public Library*, II, 377-379.]

To the Right Worth Sr Francis Wyatt Knight, Governor and Capt. Generall of Virginia and to the right Worth and others of the Generall Assemblie.

WHEREAS out of his Ma^{ties} gracious care for the good of this Plantation, it hath pleased their Lo^{ps} of his Ma^{ties} most hono^{ble} Privie Counsell to comānd us to give them true and particuler notice of the present estate of the same, in divers considerable points, some whereof may best be resolved by this worthie Assemblie; our earnest desire is, youe would be pleased to deliver unto us yo^r opinion in writtinge to these foure popositions. *Viz.*

1. What places in the Cuntrey are best or most proper to be fortified or mantained either against Indians or other enemies that may come by Sea.
2. How the Collony now stands in respect of Savages.
3. What hopes may truly and really be conceived of this Plantation.
4. And lastly w^{ch} be the directest meanes to attaine to those hopes.

John Harvey.

Jo. Porey.

Abrah: Perfey.

Sam: Mathewes.

Concordat cum originali

Ed: Sharples. Cler:

[From

March 2, 1623.

The Generall Assemblies Replie to those foure propositions made unto them by the Comission^{rs} to bee presented to the Lordes of his Ma^{ties} most hono^{ble} Privie Counsell.

1. **W**HAT places in the Country are best or most proper to bee fortified or mainteyned, against Indians or other enimies that may come by sea.

Pointe Comfort is of most use but of great charge and difficultie.

Wariscoyake where the fortification was intended more effectually to secure the places above y^t from *Wyanoake* marish upwardes there are divers places w^{ch} may peremptorily comāde Shippinge or Boates: the best against the Indians and most of use for the future increafe of plentie, is the wininge of the forrest by runinge of a pale from *Martins* hundred to *Chiskiacke* w^{ch} is not above fixe miles: and plantinge uppon both rivers, the river of *Pamunkey* beinge alsoe more defensible against a forrein enymie.

2. Howe the Collony nowe standes in respect of the Salvages. The termes betwixt us and them are irreconcilable, the charge of driveinge them awaye, w^{ch} woulde reduce us to a better estate then wee weare in before the massacre. soe great as yt is to wayghtie for us to support though hitherto we have doune whatsoever yt was possible for our meanes and numbers to effect, an enymie from whom there is noe spoile to bee expected, the advantage of the woodes and the nymblenes of their heeles preventes execution; the harmes that they doe us is by ambushes and suddain incursions where they see their advantages, we never since the massacre haveinge lost one man in any expedition against them, the inconveniencies that wee receive from them are of farre more consequence; we have not the safe range of the Country for increafe of Cattle, Swyne &c nor the game and foule w^{ch} the Country affordes in great plentie; besides our duties to watch and warde to secure our selves and lab^{ors} are as harde and chargeable, as if the enymie weare at all tymes present.

3. What hopes may truly and really bee conceived of this Plantation: We houlde yt to be one of the goodlyest partes of the earth aboundinge wth navigable Rivers full of variety of fish and foule, fallinge from high and steepe mountaines, w^{ch} by the generall Relation of the Indians are rich wth mines, Golde, Silver and Copper, an other Sea lyeinge wthin fixe dayes journey beyonde them into w^{ch} other Rivers descende. The soyle fruitful and apt to produce the best sortes of Commodities, replenished wth many trees for severall uses, gummes, dyes, earths and simples of admirable vertue, vines and mulburitrees groweing wilde in great quantities the woods full of deare, Turkies and other beafts and birdes: for more perticuler relation we referr you to the reportes of S^r Thomas Gates and S^r Thomas Dale made unto the Company concerneinge those praises noe way hiperbolicall, nor any country more worthie of a Princes care and supportance.

4. Which bee the directest meanes to attaine to these hopes.

The way to attaine to these hopes is to have a runninge armye continually a foote to keepe the Indians from settlinge on any place that is neere us, to send over numbers of people to arrive heere about the prime of Winter, wth provisions of Cattle and wth full provisions for themselves at least for a yeare: in the meane tyme to fall only uppon the plantinge of Vines and Mulbury trees and to sende men over that are expert in those faculties, to plant gardens and orchardes, and such thinges as are usefull for the sustenance of mans life, to rayse the price of tobacco by the sole importation, and reduceinge the Customes to the rate of the letters Pattents, and when the Country shalbe blessed wth plenty of such provisions and multitudes of people, to proceede in the discovery of the wealth of the mountaines and Comodities of the Seas, that are credibly reported to lye beyonde them A care must be had that ships come not over pestered, and that they may be well used at Sea wth that plenty and goodnes of dyett as is promised in *Englande*, but seldome performed, that when they come they first fall to buildinge of good and convenient howses, and bringe men over for that purpose: that for the first yeare they only endeavo^r themselves to the plantinge of Corne, to the makeinge of gardens,

to

to the choofeing & inclofing of fitt places for their Cattle and to the plantinge only of fo much tobacco as may ferve to fufftaine them in neceffary clothinge for the fucceeding yeare, a proportion of mault they fhould alfoe bringe over to make themfelves beare, that the fuddein drinkinge of water caufe not to great an alteration in their bodies: that they fhoulde employe themfelves to the plantinge of *Engliſh* graine, that therby wee may have the hopes of two harveſts: And that ſuch numbers may be ſeated together as may be able to ſecure themſelves, and to make good ſuch a part of the country as they may have free and ſecure range for the fuffenance and increaſe of their Cattle. Theſe doune we doubt not but in convenient tyme to purchaſe to his Ma^{tie} a riche and flowriſhing Kingedome

Francis Wyatt.

*Frans. Weſt.
George Sandys.
Raphe Hamor.
Roger Smythe.
William Tucker.
Henry Watkins.
Jabez Whittaker.
Nathaniel Baſſe.
John Pollington.
John Utie.
Robert Addams.
Richard Bigges.
John Chewe.
Rich: Kingeſmyll.
Edward Blayney.
Luke Boys.*

*George Yeardley.
J. Pountes.
John Pott.
Nicolas Martian
Will: Peirce.
Iſaack Maddiſon.
Sam. Sharpe.
Iſaack Chaplin.
Clem^t Dilke.
Rawley Croſham [Crowſhaw].
Nath: Cauſſey.
Thomas Marlott.
Thomas Harris.
Ric: Stephens.
John Wilcockes.*

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 393-395.]

To the Right Worth S^r Francis Wyatt, Knight, Governor & Capt: Generall of Virginia and to the Right Worth and others of the Generall Affembly.

Right Worth &c

BEINGE well affured that in a weekes time, ſince our publiſhing of their Lo^{ps} orders in yo^r generall Affembly youe cannot but maturely have conſidered of the ſame; to the end that for the ſpeedier advancement of this Colony in generall, and the ſecuringe of every mans intereit in perticuler, all of us may by o^r ſubmiſſion and thankfullnes as by obedience and ſacrifice both together ingratiate both o^r perſons and comon cauſe to his Ma^{ties} moſt renowned clemencie; Wee as remembrancers unto youe, thought it no leſſe then o^r dutie on all fides to propound to yo^r graver conſideration this forme encloſed w^{ch} we hope youe will apprehend very fitt to be ſubſcribed unto by the whole Affembly, and to be ſent home unto their Lo^{ps} from us, beinge none other then wee o^r ſelves will moſt readely and moſt humbly ſett o^r hands unto. So craveing yo^r anſwer in writtinge, in caſe youe ſhall otherwiſe reſolve Wee wiſh to yo^r Counſells good events and reſt

At yo^r ſervice towards the ſettinge upp of the Publique

*John Harvey.
Jo. Porey.
Abraham Perſey.
Samuell Mathews.*

*James Citty.
March 2. 1623.*

Concordat cum originali

*Ed. Sharples, Cler:
[From*

[From the *Bancroft Transcripts*, *New York Public Library*, II, 397-399.]

The forme of Subscription presented to the Generall Assemblies by Capt. *Harvey*,
M^r *Porey*, M^r *Peirse* and Capt: *Mathews*. March 2. 1623.

WHEREAS out of their Lo^{ps} three Orders from the Counsell Board in *England* lately published in this Generall Assembly, We are given to understand, that his Ma^{tie} hath signified his gracious pleasure for the universall good of this Plantation (now by reason of o^r late calamities being in an unsettled estate) to institute another forme of Government, whereby this worke may be upheld and better prosper in time to come, and to that end hath required surrender of the present Patents, declaring neverthelesse his Ma^{ties} Royall resolution of assuring unto the particuler members of the Comp^y such Lands and priviledgs in the said Cuntry, as accordinge to the proportion of each mans adventure, and proper interests do now belong unto them. Wee of this generall Assembly do by subscription of o^r names not only professe and testifie our due thankfulness for that his Ma^{ties} most gracious and tender care over us, but do for o^r parts in all humility and willingnes submit ourselves to his princely pleasure of revokinge the ould Patents and of vouchsafeing his Ma^{ties} new Letters Patents, to those noble ends and purposes above menconed.

James City March 1623.

Vera Copia Extract

Ed: Sharples, Cler:

[From the *Bancroft Transcripts*, *New York Public Library*, II, 401-402.]

The answer of the Governor, Counsell & General Assembly to y^e letter & wrightinge of Capt. *John Harvey* and others delivered to us y^e 2 of *March* 1623.

WE have presented our humblest thanks to his sacred Ma^{tie} for his gracious and tender care over us and have returned o^r answers (in due submission.) to their Lo^{ps} Letters and Orders. When o^r consent to the surrender of the Patents shalbe required, will be the most proper time to make reply: in the mean time wee conceive his Ma^{ties} intention of changinge the Government hath proceeded from much misinformation, w^{ch} wee hope may be altered uppon o^r more faithfull declarations.

Dated *March 2*, 1623.

Extract: et examinat: ꝑ Ed. Sharples. Cler:

[From the *Bancroft Transcripts*, *New York Public Library*, II, 405-406.]

To the Wor^{sh} Cap^t *John Harvey Esq^r* and others.

Wor^{sh}

SINCE wee conceive not how this last proposition (to w^h wee have beene contented to give an answer) hath had ground from any instructions w^{ch} wee have yett seene. Wee desire that before the Generall Assembly be dissolved (w^{ch} will be tomorrow) youe will shew us the depth of yo^r authority, or otherwise to sett itt downe und^r yo^r hands that youe have no further Comission or Instrucons w^{ch} may concern us as yo^u have already professed.

Dated *March y^e 2* 1623.

Ready to joyn wth yo^u for the Publique

Subscript

the Generall Assembly
Vera Copia Extract. ꝑ

Ed: Sharples.

[From

To the right Worsh^{ps} S^r Francis Wyatt Knight, Governor and Capt Generall of Virginia
And to the Right Worsh^{ps} and others of y^r Generall Affembly.

Right Worsh^{ps} &c

YESTERDAY att the delivery of our papers wee acknowledged that wee had neither Comission nor Instructions to move you to subscribe to that forme of subscription and thankfullnes to his Ma^{ty}, w^{ch} then wee presented, neither can so much as a shaddow of any such thinge be collected, out of o^r Letter or motion therein enclosed. What wee propounded was out of o^r discretion, by way of Counsell for the good of this Plantation, not precipitate nor sudden, proper to the time, occasion and Company, and the marke aimed att was no lesse then his Ma^{ties} favor uppon o^r persons and comon cause to be obteyned by obedience and thankfullnes. Now as there needed neither Comission nor instructions for us to propound the practice of so eminent a duty, so it is lawfull and free for us, beinge free men and Planters to offer to the generall Affembly any reasonable motion though of farr lesse consequence. And therefore had youe not beene content to have given us an answer, youe might have seemed to us dis-content, or att least discourteous. Neither uppon this occasion have youe reason to serch into the depth of our authority (seeing o^r yesterdayes Motion dependeth not nor needs to depend uppon o^r perticuler Comission) much lesse to urge us to sett downe any thinge und^r o^r hands. Nor can wee professe that wee have no further Comission w^{ch} may concern youe, then that wee have already putt in execution. For o^r Comission yett unperformed concerneth youe in yo^r persons, servants, corne, cattle, armes, houses &c. Nor need youe suspect that wee will attempt any thinge, to the wrong of any man, or w^{ch} wee cannot very well answer. So we rest the same y^t formerly,

John Harvey
Abraham Pensley [Persey]
Jo: Povey [Porey].
Samuell Mathews.

James Cytty Mar: 3. 1623
Vera Copia. Extra^{da} B

Ed: Sharples, Cler:

[Orders of the General Assembly of 1623/24. From the Library of Congress Ms. Rec. Virginia Co., III, pt. I, pp. 6 & 9.]

It is ordered that the severall Plantationes shall transporte ye Comissioners sent over by his Ma^{ties} Privie Counsell from Plantation to Plantatione accordinge to their desire, and to accomodate them in the best state their Howses and Roomes will afforde

It is agreed by the generall Affembly that so much tobacco shalbee levied the next [season?] by the Burgesses of the plantacons for which they serve, as shall suffice to discharge ye [sum?] of two hundred pownde in money wth ye interest, to be brought in by them to * * * in the best marchantable Tobacco by the last of October next, to the new dwelling [House?] of Capt W^m Peirce, and to paye the same to Sr: George Yardley George Sandys Threar. Capt. William Peerce and Edward Blayny marchante or their assignes [for payment?] of ye dept, wherein they shall stande bounde to M^r John Harle of London marchant [for?] two hundred pownde wth ye interest aboue named, who hath engaged himselfe [to?] M^r John Powntis wth soe much Money, The Tobacco to be levied by foure * * * the Colony, The Surplus of ye Tobacco (if there be any that shall surmounte ye two hundred pownde wth ye interest, to be received in gunpowder, [at?] A iuste accompt, for ye use of ye Countrey, *Provided* that the Countrey

is

is to beare ye [freight?] of ye Tobacco into *Englande* and to save harmeleis thofe y^e are bounde for ye payment there And if M^r *John Pountis* shall nott Arive in *Englande*, or if ye money be not payd then this Act to be Voide.

March ye 5th 1623

Francis Wyatt Esq^r.

John Pott

Roger Smith

Raphe Hamer

William Tucker

Nathanell Bafs

Luke Boyse

John Utie

Richarde Stephens

Richarde Kingsmell

John Pollingtone

Nicholas Marten

Ifack Chaplen

Henry Watkins

Nathanell Cawfey

Thomas Harris

Thomas Morlatt

Gabrell Holland

Raughley Crowfhow

Richard Biggs

Jabez Whittakers

Roberte Addams

John Willcox

John Chew

[Petition from the Convention of 1625.]

To the Kings most excellent Ma^{tie}

THE humble petition of the Govern^r Counsell and Collony of *Virginia* assembled together.
Humble sheweinge,

That wheras in the former yeare, we directed a petition to yo^r Ma^{tie} humblie desireinge therein, that yo^r highnes woulde not give credit to the late declarations presented to yo^r Ma^{tie} concerninge the happie, but indeed miserable estate of the Collony, duringe the first twelve yeares government, neither to the malicious imputations w^{ch} have been layde on the latter, but to be pleased to beholde in little, the true estate of both, by our relations, w^{ch} we then sent unto yo^r highnes, by the handes of Mr *John Puntis*, contayninge nothinge but the truth wthout disaffection or partiallitye, wherby we doubted not but yo^r Ma^{tie} would understande the condition of both tymes, and farther besought yo^r Ma^{tie} that you would not suffer yo^r poore subjects to fall againe into the handes of S^r *Thomas Smyth* and his Confidants, but that yo^r woulde gratioously protect us, from those groweing stormes ingendred by faction w^{ch} presaged the ruyn of some, whose indeavours have deserved a better rewarde, and in generall of the whole plantation.

Soe y^t is that we are driven to misdoubt, by reason of the death of Mr *John Puntis*, and that many thinges have fallen out, contrary to our humble desires, that the afore-sayde petition and relations were never presented to yo^r Royall handes, the rather because the same personnes so justly complained of, are joyned in yo^r Ma^{ties} Comission for governinge of the affaires of *Virginia*, wherewth beinge armed, we feare they intend to exercise the same Tiranny uppon our persons, w^{ch} already by the pernicious Contract, they execute uppon our fortunes; and haveinge just cause to feare, that uppon the establishinge of a President & Councell in *Englande*, for the government of *Virginia*, if those persons shalbe chosen of that number, the same power and meanes to execute their vindicative mallice, may be more fully and absolutely settled and confirmed uppon them, and the estate of the Collony much more desperate, the effects wherof allready beguin to appeare not only in the skant supplie of necessities this yeare not sufficient to cover our nakednes, and the rates of those threefold more excessive then formerly: But alsoe in the extreame discouragement of the adventurer and planter, insomuch that great number of the planters had resolved to have goune for *Englande* in these ships expressly to have petitioned yo^r Ma^{tie} for redresse and protection: But least the Clamor of soe many should be troublesome and displeasinge to yo^r Ma^{tie} We, urged by o^r duties to yo^r Ma^{tie}, our zeale to the Collony and the discharge of our owne consciences. have wth an unanimous consent, made choyce of S^r *George Yeardley* Knight (the importance of the cause requireinge no lesse then one, whoe haveinge formerly comanded heere, in cheife and by imeadiate Comission from yo^r Ma^{tie} hath againe been nominated to succession in the Government) to prefer the sayde petition and relations to yo^r gratioous survey, wherby yt will most cleerly appeare how unfitt they are to manage the affaires of this Collony in w^{ch} they have formerly soe much erred and proceeded soe contrary, even in the fundamentall points of Government, to yo^r highnes gratioous charters and instructions; As alsoe our demonstrations against the late pernicious Contract, soe mainly opposeinge yo^r Ma^{ties} royall bounty and intentions, to the advancem^t of this yo^r Ma^{ties} Collony.

We humblie therefore beseech yo^r Ma^{tie} to affoarde a gratioous hearinge to the sayde S^r *George Yeardley* and to referr the examination of our cause to the right Hono^{ble} *William Lorde Pagett*, S^r *Richarde Weston* Knight Chauncellor of the Exchequer S^r *Humphry May* Kn^t Chauncellor of the Dutchie & S^r *Robert Killigrew* Kn^t (they being appointed Comissioners by yo^r Ma^{tie} for the affaires of *Virginia*) to make report therof to yo^r Ma^{tie}

And

And we as our dutie bindes us, shall ever praye to God for yo^r Ma^{ties} longe & Prosperous raigne in this life and eternall in the life to come.

Francis Wyatt.

*Frans Weft.
Raphe Hamor.
Abrah Peirfey.
W^m Peirce.
W^m Horwood.
Ellis Emerson.
Edw: Waters.
John Downeman.
Henry Woodard.
John Crewe.
Hugh Crowder*

*George Sandys.
W^m Claybourne.
W^m Tucker.
Francis Epes.
Rich: Kingesmyll.
Nath: Caussey.
Fran. Chamberlaine.
Rich: Tayler.
Gilbert Peppet.
Clem' Dilke.*

*Roger Smyth.
Sam Mathewes.
Nath: Baffet
Thomas Osborne
Is: Chaplyn.
Rich: Biggs.
John Price.
Ed: Blayney.
F. Barkeley.
Luke Boys.*

[Papers of the Assembly of 1627/28.]

The humble Answer of the Governo^r & Counsell together wth the Burgeffes of the severall Plantations affembled in *Virginia* unto his Ma^{ty} Letter concerning our Tobaccoe and other Comodities

March 26, 1628.

W^HEREAS the making of any Contracte upon our Tobaccoe hath bin hitherto a thing soe much feared, and the very name of it rather a terror and discouragm^t to the whole Colony, then any way by us wished or assented unto, the bare rumo^r whereof hath wrought soe evill an effecte as generally to disharten all men, soe that therby the Marchant hath bene doubtfull of adventuring hither, and much enhaunsed the price of his Comodities, and the Planters fearefull to settle their aboade heere or raise any workes of better consequence or future profit, as deeming it a place wherein there would bee noe certainty or stability of their affaires but continually subje^{ct} to ruine and altera^{ti}on if the sinister informa^{ti}ons of pryvate men in *England*, and their projects there tending solely to their owne pryvate Comoditie and gaine may receive allowance and approba^{ti}on, Especially seeing all Contracts heretofore propounded have bene made wthout our Consents, and upon such unreasonable termes & condi^{ti}ons as have directly tended to the immediate destru^{cti}on and misery of the same, and this hath bin sufficiently shewed in our demonstra^{ti}ons and declara^{ti}ons made against those Contracts in our former generall Assemblies, But notwthstanding wee have continually bene insnared in these toyles, and for these six yeares have perpetually laboured in the confused pathes of those labyrinthes, being rather framed and built in the very imagina^{ti}on of unconscionable and unjust men, then upon good and found reason or wth any respecte to the benefitt and advancem^t of the Colony: Wherefore wee retorne our humblest thanks unto his most excellent Ma^{ty} for that it hath pleased him to dissolve those Contracts formerly sett on foote, and to have soe gratio^{usly} inclyned in his Princely favo^r towards us as to graunt those thinges w^{ch} have bin for our eistabli^{sh}m^t and supпорта^{ti}on, And in particuler the prohibition of all *Spanishe* Tobacco, that thereby wee might have a certaine and sure dependance wth the Kingdome of *England* w^{ch} is soe firme a foundation for the perpetuall subsistence of this Colony as otherwise would require a greate expence of mony And this cheifely hath bin a meanes to uphold the same in such measure that it hath nowe noe lesse flourished since the altera^{ti}on and revoking of the Patent, then when our affaires were managed by those in *England* w^{ch} to the eye of the world appeared to bee the maine supporters and pillars thereof, Nevertheieffe since his Ma^{ty} hath now bin pleased to take the Comodity of tobacco for his owne immediate use, and as his owne Marchandize, and to that ende hath directed his letter, unto the Governo^r and Councell, requiring that on his behalfe they should bargain for the same, wth the Burgeffes of all the severall Planta^{ti}ons, And further whereas the rayfing of other staple Comodities, men^{ti}oned in his highnes Letter is to greate a worke for our poore abilities to undertake and bring to perfection, hee hath therefore required us that wee should take especiall care concerning the same, And according to the Instru^{cti}ons sent unto us to certifie of the probability and certainty thereof, and to send home such ensamples as are desired whereby wee are given to hope that those meanes will by his Royall hand bee supplied unto us, that having bene alwaies hitherto wanting or but slenderly furnished it hath bin impossible that those thinges should have effectually bin accomplished, And wee on our parts shall give good testimony of our willingnes and forwardnes therein, being perswaded that nothing can bee more happily for the Colony or to bee desired of us, then that those Comodities should receive their full perfeccion that wee might have some other matter of subsistence then Tobacco,

Tobacco, w^{ch} yet wee cannot wholly abandon, but make it as a stepp to attaine those things and in the interim, a meanes to susteyne us, Wee have therefore in all humblenes of duety, after full debate and confideraçon of the premises sett downe our opinions concerning the same desiring that our relations may bee rather credited then theirs w^{ch} neyther informed by experience uppon the place (the most infallible guide) nor led by good judgm^t at soe greate a distance doe intend their private endes more then the hono^r and profit of the King or the welfare of this Colony.

First for tobacco wee consent and agree that his Ma^{tie} shall have all our Tobacco at the rate of three shillings six pence the pound cleere the Tobacco to bee delyvered here unto his Ma^{ties} Facto^{rs} good and marchantable, and to bee approved soe to bee, by sworne men appoynted to that purpose, And for the paym^t thereof wee desire that the Factors w^{ch} shall receive the same, may bring letters of Creditt from men of unquestionable sufficiency to give bills of exchange uppon those men to make paym^t of them, the one halfe after tenn daies sight, and the other moytie at three monethes And those termes wee doe all in generall cheifely desire, because our residing is here, and it will bee much damage unto us to goe home to delyver our goods, But if his Ma^{tie} will have our Tobacco delyvered at the Port of *London* and wee to beare the adventure of the Sea and pay the freight, then wee will bee contented to delyver it all there at fower shillinges the pound and wee to bee cleere of all Customes, and the paym^t to bee made as aforesaid But if his Ma^{tie} shall refuse to take all the Tobacco that shall bee made in this Colony good and marchantable, then wee humbly desire that his highnes would bee pleased in certaintie to take of yearly five hundred thousand weight at the aforesaid prices and Condiçons, if there shall bee soe much made in the Country, And for the rest if there should bee any overplus wee are alsoe content to deliver the same if his Ma^{tie} please, if not wee desire to export it againe out of the Kingdome of *England*, custome being paid, and to vent it eyther in the *Low Countries*, *Ireland*, *Turkey* or elsewhere.

And wee are content to contracte wth his Ma^{tie} for the aforesaid rates and uppon the aforesaid Conditions for and during the tyme and terme of seven yeares, But if hereafter it shall appeare that the Kingdome of *England* shall bee able to vent more tobacco then the quantities now to bee taken from this Plantation and the *Somer* Islands, other places fayling and the rest being suppressed & banished, our desire is that then wee may bee suffered to import the same, and our proporçon augmented.

And wee doe most humbly desire his Ma^{tie} that if hee will bee pleased the aforesaid condiçons may bee accepted; that all *Spanishe* tobacco bee utterly prohibited, because wee have just cause to feare, that under Colo^r of any *Spanish* Tobacco licensed to bee brought in, greater quantities will bee imported, and the markett glutted, to our damage and hinderance. And for the assurance of making our Tobacco Marchantable, that it may bee satisfacçon given therein, wee have taken such effectuall courses in every respecte, that wee dare ingage ourselves that our tobacco shall bee very good and marchantable much exceeding the tobacco w^{ch} hath formerly gon from hence, And wee have alsoe ordered that there shall bee sworne men appoynted to bee Tryors to that purpose, after the curing of the same and before it bee laden aboard the Shippes, w^{ch} orders heretofore wee have not taken, because wee could not compell the planter to paie the Marchant principall Tobacco when as often tymes the Commodities hee received were rotten and unusefull, and allwaies sold at most excessive rates, w^{ch} wee could not moderate: And therefore concerning the Tobacco this yeare gon home wee are not ignorant, how that much of it is of noe good condition, of w^{ch} as wee desire to bee excused, soe wee hope there shall bee noe such occasion hereafter to complaine Wee have alsoe ordered that a Proclamaçon bee made through the Colony, that all plants shall bee sett fower foote and a halfe asunder at least, and that there should bee gathered but twelve leaves of from a plant, Whereas it hath beene the Custome heretofore, from that sort of long tobacco now in use to gather five and twenty or thirty leaves and wee are of opinion that if wee should suffer but six leaves to growe uppon a plant, that the nature of tobacco will not beare it, and it would bee nevertheles very dangerous to prime away the leaves soe high in regard that then it is subiecte to bee spoyled and torne wth gusts and stormes, at
that

that tyme usually happening, and the stalke to bee parched and withered by the heate of the sunn, And wee certainly Knowe that although wee doe tend twelve leaves on every plant as aforefaid yett by reason of dyvers casualties as the wormes, the extraordinary raynes w^{ch} drowne many plants wee shall not gather above eight or ten generally and wee wonder why any such thing should bee enjoined unto us.

Concerning the stripping out the stalke wee doe thinke it will bee much hurt unto it, and the handling in that Kind will deface and spoyle it, at that season of the year, the windes being exceeding peirceing and drying, And for that whilst the stalke is in it, it is a good preservative to the same, Whereas it is certaine that if wee should bee tyed to stripp out the stalke the Planters would thereupon take advantage and stripp it before it bee fully cured, and being somewhat moyst it will bee subiecte to rott and mould: And further it would bee a greate hinderance unto our other workes of consequence and profit for the good and advancement of the Plantacon, as cleering of new grounds, planting of gardens and orchards, the erecting of Commodious buildinges, the extirpation of the Indians and the rayfing of all staple Commodities &c

Touching the moderating of the quantity, wee desire that it may bee considered that this Comodity of tobacco is the only meanes for our present supportacon and subsistence to the w^{ch} nevertheles wee are not soe much wedded and adicted as wholly to neglecte all other courses that shall bee thought conducing to the rayfing of staple Commodities as aforefaid, and the planting of greate store of corne, the breeding and encreasing of Cattell &c And in this poynt wee have this yeare lessened and stinted our usuall proporcon in gathering but halfe soe many leaves as heretofore was ordinary And wee being now in greate somes indebted to the Marchant it cannott bee admitted soe strictly, for that our bargaines & Contracts for the succeeding Cropp are already passed and concluded on betwixt us, and wee must eyther shutt upp our Courtes and deny Justice to those that shall require it or else permitt those that are engaged in that Kinde to inploy themselves and servants for the performance of their conditions, Not wthstanding for the succeeding yeares, notice beeing given aforehand, the number of people in this Colony encreased and the Markett of Tobacco glutted, wee shall bee willing to condiscend thereunto, and concerning the quantity of two hundred pound for a Master of a family and one hundred and a quarter for every servant, The Colony now consisting of neere three thousand persons or shortly being likely to attaine to that number, every weake Judgment w^{ch} hath beene conversant wth us, or hath seene the Accounts of our affaires, can judge that quantity not to bee sufficient for our mainteynance, And the last yeare wee Knowe there was more sent hence, yett that proporcon, allowing that there are five hundred freemen and Masters of families will amount unto 412,500£

Lastly to demonstrate that the Conditions for the paym^t of our mony halfe in hand and the rest at three monethes are of soe absolute necessity unto all the Planters, wee said that to accept of one third in hand and the rest at five and five monethes, the first paym^t will little more then defray the freight and other chardges, and the expectacon of the rest will not only put them to many streights for present mainteynance, but detainee them in *England* soe longe untill their meanes waisting wth their tymes, they bee utterly disabled to transport themselves, much lesse servants or comodities for the augmentation & reliefe of the Colony and loose one whole yeares tyme.

For Pitch and Tarr wee are of opinion, that his Ma^{tie} may bee assured that there are materialls here plentifully for the making thereof, and wee have by these shippes sent home ensamples of the ordinary Pine Trees growing in this Country, that there may bee noe doubte made in that poynt, but wee find that our weake abilities will not enable us to bee at soe greate charges as will necessarily bee required before hand to the full accomplishm^t of that worke, especially it being a Comodity of soe small a value and the want of meanes to carry the wood to the kilnes where it is burned, there being neyther horses nor Asinicoes proper for that purpose and the danger that the workmen bee in uppon all incursions of our Enemies the Indians, will make it not bee wthout some difficulty and must necessarily bee provided for, if that busines bee prosecuted.

For

For Potashes wee knowe that in former tymes there have beene some made heere and sent into *England* for a tryall, but the worth thereof wee doe not Knowe, and have noe man in the Country that Knoweth how to make them.

For pipestaves, barrell boords and Clapboords there hath formerly beene sent home of all sortes and wee have now both sent home ensamples thereof and in these Shippes there are many hundred Caske gon into *England* from all partes of the Country made of our Tymber heere, whereby those of experience may bee able to judge thereof, this requireth greate labour, and the freight of soe meane a Comoditie will bee too deare to encourage any man to goe in hand wth it.

Concerning Iron wee have sent you home some of the Myne of w^{ch} by their report that were imployed therein there is plenty and the tryalls that have been heere made have caused a good reputacon of the Iron that hath been sent into *England*, but this worke especially requireth an exceeptive charge and expence of mony to bring it to perfecōn w^{ch} wee cannott disburse in expectacōn of the profit thereof w^{ch} will not bee soe foudaine as our necessities doe require and wee thinke that it must necessarily bee provided that the men labouring about it bee furnished continewally wth plenty of cloathing good victualls and drinke, the w^{ch} in this Country are not sufficiently to bee had: The Materialls formerly sent over, are almost totally wasted and consumed and at the Massacre throwen into the River by the Indians, and little to bee found that is serviceable, soe that in that case there will neede a supply of all things both of workemen and other necessaries, It is certaine that the place chosen for the same at the *falling Creeke* was very Comodious and advantagious & the furnace in some good forwardnes at the Massacre.

For Mynes of Gould, Silver, Copper &c. wee conceive that there is greate hope of the ritchnes of the Mountaines, and there was a discovery made formerly nynteene yeares since in the w^{ch} some of us were, and about fower daies Journey above the falls of this Ryver as wee are informed certaine assurance of a silver Myne, but wee shall hereafter uppon all occasions send home such samples as wee shall meete wth any where yet wanting the meanes of beasts of Carriage for the transport of Victualls and Munition, it will bee almost impossible.

For the planting of Vines wee conceive greate hopes that it will prove a Comoditie both beneficiall and profitable, but wee are none of us skillfull therein, The Vignerons that have beene sent over have spent their tyme heere to small purpose, and eyther purpofely neglected it or concealed from us the skill w^{ch} hath generally dishartened all men from undertaking it, but wee have this yeare planted many and pruned others and by further experience thereof wee should thinke ourselves happy to bring this Comodity to perfecōn and would bee glad to defray the charges of skillfull men to bee sent over for that purpose.

For Bay salte wee conceive greate likelines of the certainty of that Comodity and fuerly the benefitt that will accrew to the Colony of the same will bee of greate consequence and wee shall bee willing to assist Mr *Capps* to make the experiment thereof w^{ch} being brought to perfecōn will drawe a certaine trade unto us, And wee hope that the fishing uppon our Coasts will bee very neere as good as that of *Canada* whereof some tryall hath beene already made.

Subscribed by,

John Pott,
Samuell Mathewes.
William Tucker.

Francis West. Esq. Gov.
Roger Smyth.
Will Claybourne.
William Farrar.

wth all the rest of the Burgeesses of this Assembly.¹

Vera Copia Ext. P
Rob: Barrington, Cler:

[From

¹ A contemporary copy of this paper is preserved in the Library of Congress having the names of all the signers. Contemporary copies, with all names of signers, of the two papers immediately following are also to be found there. The names are the same as those of the signers of the commission of the General Assembly to Sir *Francis Wyatt*, printed on p. 51. The names given above, in addition to that of the governor, are those of the members of the Council.

To the Kinges most excellent Ma^{ty}

The humble Petition of the Governo^r and Councell together wth y^e Burgeffes assembled in Virginia. Most humbly sheweth,

THAT whereas yo^r highnes hath ben gratioously pleased to extend yo^r princely care for the establisment of this Colony and to make y^e Comodity of tobaccoe yo^r owne marchandize for the better reputatioⁿ thereof, w^{ch} by yo^r Royall favor in the prohibitioⁿ and suppresing of *Spannish* and *English* tobaccoe is much advanced, wee have according to yo^r Ma^{ties} Comand assembled our selves, and in all humblenes of duty returned ou^r answer unto yo^r highnes that we shalbe willing to accept for the same delivered heere three shillings six pence y^e pound and in *England* foure shillings, the one halfe to be payd att ten dayes sight, the other att 3 monthes, humbly desiring y^t yo^r Ma^{ty} will be pleased to take from this Colony in certaynty 500 thousand waight yeerly, and if wee shall make more, having this yeere in great part stinted our selves, (the better to follow yo^r Ma^{ties} direction for other staple Comodities) wee are alsoe contented to deliver the same, but if that shalbe to much for the Kingdome of *England*, we humbly desire that we may export itt into other parts, the Custome being payd, as we have in o^r generall declaration both concerning this & the other Instruction from yo^r highnes touched more lardgly.

Wherefore wee most humbly implore yo^r Ma^{ty} gratioously to comiserat o^r poore estates, in yo^r favor to o^r just petitions, having continually for these six yeers groned under the oppressioⁿ of unconscionable and cruell Merchants by the excessive rates of their Comodities, caused for the most parte by unreasonable & unjust contracts made wholly w^{thout} o^r consents, in w^{ch} wee have exceedingly ben turmoyled and o^r affayres perplexed, to the unspeakable prejudice of this Colony, that otherwise would have ben able if not hindred by our poverty, to have produced better effects & manifested that wee want the meanes & not the wills to rayse those staple Comodities proper for this plantation, w^{ch} now we hope by the beames of yo^r Ma^{ties} favor reflected uppon us, will recover a new life and receive perfection by yo^r Royall hand, unto the w^{ch} itt hath ben reserved by the Divine Providence. And wee o^r wives and poore children as is o^r duty shall ever pray to God to give you in this world all increafe of happines and to crowne you in the world to come wth immortall Glorye.

Subscribed by the Governor, Councell and the whole Assembly of Burgeffes.

[From the *Bancroft Transcripts*, *New York Public Library*, III, 405-408.]

To the Right Hono^{ble} the Lords of his Ma^{ties} moste hono^{ble} Privy Councell.

The humble Petition of y^e Governo^r Councell and the Burgeffes assembled by order from his Ma^{ty} in Virginia.

SHEWETH, That whereas itt hath pleased his most excellent Ma^{tie} by his Royall letters directed to yo^r Pet^r to signifie his pleasure concerning the comoditie of tobaccoe to be to his owne imediate use, requiring that we should contract for the same upon such prices, condicions as are therein mencioned, and we accordingly in all humblenes of duty by o^r generall declarations have returned o^r answer unto his highnes, most humbly complayning that formerly by the sinister suggestions and projects of unconscionable men, to make a contract on o^r goods w^{thout} o^r consents, we have a long time suffered much damage, and the Colony greatly prejudiced by the generall feare and discouragm^t w^{ch} all men have receaved to settell their estates heere, or to endeavor the rayfing of any staple Comodities for the difanulling whereof we have often times by o^r letters and Pettico^s to yo^r hono^{rs} solicited this board, and yo^r Lo^{pps} have ben hono^{ble} pleased from time to time to relieve us and to dissolve those contracts w^{ch} otherwise would have tended to the overthrowe of this plantation, for w^{ch} we returne o^r humblest thanks unto yo^r Lo^{pps}.

Yo^r

Yo^r Pet^r conceiving that his Ma^{tie} hath now ben pleased to take the affayres of this Plantation into his more neere regard and princely care wherby all factions silenced, and the projects of vaine men suppressed this languishing Colony may att length receave a new life and overcome those difficulties wth have hitherto hindred the growth of it, and being rather desirous that the Commoditie of our labours should redowne to his Ma^{ties} use whose servantes wee are, then to any that should under hand contracte for the same, doe most humbly implore the continuance of yo^r Lo^{pps} favor towards us, and o^r cause, beseeching that o^r relations may eather obtayne creditt then the informations of such men as respect only their private ends & inordinate lucre and gaine. And we humbly desire yo^r Lo^{ps} to conceive that our Petitions & demands are just and necessary for the subsistence of this Colony being such as may stand wth his Ma^{ties} profit, And that yo^r Lo^{pps} wilbe pleased to continue yo^r Patronage that by yo^r mediations and Councells his Ma^{ties} Royall intentions may be confirmed towards us for the consumation of this great work and the perfect establishment thereof

And wee as our duty bindeth us shall always pray.

Subscribed by the Governor, Councill and the whole Assembly of Burgeses.

[From a manuscript in the Library of Congress.]

The gen^{all} assembly their Comission to S^r *Francis Wyatt* Kn^t, M^r *Edward Bennett*, & M^r *Michaell Marshart*.

1. **F**IRST that you M^r *Bennett* & M^r *Marshart* doe upon yo^r arrivall in *England* repaire to S^r *Francis Wyatt*, & that by his Councill & advice together with yo^rs, our affaires may be mannadged, of whose wisdomes & integrity wee doe not doubt, & wee in the name of the whole Colony doe intreate that you would be pleased to vndergoe the trouble, & as in yo^r discretions you shall thinke moste conducing to the good of the Plantations, either to refuse the propositions of this Contract, or to establish a sure & certaine meanes of our subsistence, that wee may noe longer bee alwaies subiect to ruine vpon the vncertainty of the noyse of any contract.

2^{ly} That you enforme yo^r selues how the busynes of the Contract standeth at that present & acquaint yo^r selues wth the Agente of the *Bermudas* & S^r *Christophers*, to the [end?] you may (if you can agree) proceed ionly together both for the better effecting of yo^r busines, & p^{ceedings} wth lesse chardge.

3^{ly} That what letters shalbe committed to yo^r trust, you use all dilligence to deliue^r them safe & as soone after yo^r arrivall as you kann, & especially the Letters directed to y^e [Lords?] to the end you may haue their assistance * * * the petition to his Ma^{ties} shall [come?] to be deliue^d, chiefly you must haue care * * * Lord Treasurer the Chancellor of the Exchequer & his Ma^{ties} Attorny gen^{all}, to informe them touching our p^{ceedings}.

4^{ly} If his Ma^{tie} shall refuse our p^{positions} that then you advise what course may be taken to giue his Hignes content, & agree to settle the Custome & inposite at 6^d a pound.

5^{ly} Whereas in our declaration wee haue intreated his Ma^{ty} that wee may haue allowed for our Tobacco 3^s 6^d the pownd & deliue^r it here, or 4^s if wee deliue^r it in *England*, our desire is if you finde that it will not be assented vnto, then to agree wth his Ma^{tie} for 3^s the pownd if he take it here, & 3^s 6^d if wee vpon our chardge of freight & aduenture doe deliue^r it in *England*.

6^{ly} Wee desire you to adu^{tize} vs of all occurrences by the best & speediest meanes you haue, or can p^{cure}, from time to tyme, & if any difficulties shall arise or the necessity of our affaies [affairs] require it, wee doe intreate you to send us a Barque exp^{ssly} about 50 tounes, & to lade her hither wth meale, 12 feild carriages for demi Culverin, 4 for faker, & 4 for minion, 20 barrells of powder, 2 or 3 touns of great shott, wth ladles, spunges, &

¹ These letters are printed in the appendix to this volume.

& all things necessary, 2 C waight of match, 20 men whereof as many Carpenters, gunn smyths, & other smyths as you cann wth necessary provision of victualis & apparrell for a yeare.

7th That by yo^r best meanes you cann, you make it knowne to the Lords that by the importation of all our Tobacco to *London*, & the p^hibition of *Spanishe*, That Citty may in a short time be the staple of Tobacco. & that other Countries may both import Comodities & mony for the same, as formerly they have done into *Spayne* where the whole trade of that Comodity hath beene, & soe be a meanes greatly to increase his Ma^{ties} Customes.

And whatso^{er} chardges you shalbe at in the p^{ro}sequution of this busines, wee p^{ro}mise to repay, & if by yo^r dilligence you shall effect any thing for the good of this Country wee shall for that alsoe giue you satisfaction to yo^r contents.

Dated the 29th March 1628.

Francis West, John Pott, Roger Smyth, Samuell Mathewes, William Claybourne, William Tucker, William farrar. John West, Nathaniell Basse, Thomas Osborne, Edward Bennett, John Uty, Thomas Pawlett, Francis Epes, Edward Crinden, Edward Waters, Michell Marshart, John Chewe, Thomas Weston, Thomas Willoby, Robert Sweete, Humfrey Rafhell, William Harwood, Thomas Burgis, William Englishe, Tho: Harwood, William Perry, Thomas ffareley, John Jackson, Richard Taylor, Maximillion Stone, John Smyth, John Harris, John Burland, Walter Price, Percivall Wood, Thomas Jorden, William Popeleton.

THE GENERAL ASSEMBLY

Holden the 16th day of *October*, 1629.

THE oathes of supremacy and alleidgeance were administred to the governor and councell and afterwards to all the burgeesses.

After debate of many matters, it was thought a busines of great benefitt and good consequence to send and maintaine a company of men to plant corne at *Kiskiyacke*, the charges of building to be borne equally by all that should bee the adventurers, and to bee there feated by the 15th of *November* next. Whereuppon voluntarily the Governor offered to find 3 men.

Capt. Mathewes.	4
M ^r ffarrar	1
M ^r Thorowgood	4
M ^r English	2
M ^r flint	4
M ^r Roulston	2
Capt. Basse	1
M ^r Harwood	1
M ^r Bennett	1
Goodman Tree	1
Tho. Seely	1
Capt. Peirce	2

It was ordered they should have shares of land to them and their heirs.

It is ordered that every commander of the severall plantations appointed by commission from the governor shall have power and authoritie to levy a partie of men out of the inhabitants of that place soe many as may well be spared without too much weakening of the plantations and to imploy those men against the Indians, when they shall assault us neere unto our habitations, or when they in their discretion shall deeme it convenient to cleare the woods and the parts neere adioyning when the Indians shall bee a hunting or when they have any certaine knowledge of the Indian's aboad in those places. And if there shall be cause that the commander in person can not attend these services, then in such cases, and in his absence hee is to appoint his deputie.

It was the opinion of the whole bodie of the assembly that we should go three severall marches upon the Indians, at three severall times of the yeare, viz. first in *November*, secondly in *March*, thirdly in *July*. To effect this the collony and inhabitants are to bee divided into fower divisions. The plantations of the upper parts as farr downewards as *Weanoacke* Marsh, and *flowerdiu hundred* creek on both sides the river to cleare those parts and territoryes, and to doe all manner of spoile and offence to the Indians that may possibly bee effected. The second division to extend from *flowerdiu hundred* creeke and *Weanoacke* Marsh, as farr downewards as the creeke belowe *Hogg Island*, and to include the whole corporation of *James Cittie* and *Martin's Hundred*, and the plantations of *Mulbury Island* under the command of capt. *Smyth*. The third division to be the plantation of *Warofquoyacke*, and those inhabitants to cleare the grounds and lands betweene *Hogg Island* creeke and *Nansamunge* river.

There remaine for a fourth division *Elizabeth Cittie*, *Warwicke* River, *Nuttmege* Quarter, *Accawmacke*, the plantation at *Kiskiyacke* and the places adioyning; to goe
twife

twife uppon the Indians in *Pamunky* river, viz. once before the froft of *Chriftmas*, & the other in *June*, *July* or *Auguft*, as alfoe uppon thofe lands, between *Nanfamunge* river and the river of *Chefepeyacke*. And it is concluded that the plantations of *Accawmacke* fhall affift them againft the *Pamunky* Indians in the fummer time with every fift man out of the inhabitants.

It was putt to the queftion whether all new comers fhall bee reftreined from planting tobacco the firft yeare and they to bee exempted from all taxes, and marches for that yeare. The maior part would have no reftreint made to new comers.

It was putt to the queftion whether for this yeare there fhould be an ordinance made and eftablifhed for the ftinting of the planting of tobacco. To this the opinion of the moft voices was, that noe perfons workeing the ground, which are all to be thithable, fhould plant above 3000 plants uppon an head.

An exception is made where the familie confifteth of children and woemen which doe not worke in the ground, and they to plant not above 1000 plants per pol. In cafe any family fhall be aggrieved by this order confifting of fome number of woemen and children, It is thought fitt that in fpeciall cafes the Governor and Councell to order them a further proportion.

Thefe charges following were allowed by the General Affembly, viz:

<i>Imprimis.</i> To M ^r <i>Marfhartt</i> for 16 carriadgés for ordinance, there is allowed for his account of £. 208 04s 02d. fowre thowfand five hundred weight of tobacco, foe that the remainder that was not paid unto him laft yeare fhall be fully paid and delivered unto him this yeare, or his affignes, lbs.	4500
<i>Item.</i> Six barrells of powder, bought of Capt. <i>Crampton</i> , and yet unfpent,	0900
<i>Item.</i> One hhd. of wyne, fpent in the march,	0255
<i>Item.</i> One ancor loft in the march out of Lieut. <i>Thompson</i> his boate	0050
ffor fhott which Sr. <i>George Yeardley</i> bought of M ^r <i>Mayhow</i> and provision to fett out his fhip,	0428
ffor 300 of fifh bought of M ^r <i>Menefie</i> ,	0090
ffor one barrell of peafe fpent in the fhipp,	0050
To M ^r <i>Claybourne</i> for fhott fpent in the marches in Sr. <i>George</i> his time, and this yeare 1629	0500
ffor one hundred of fhott more, bought of M ^r <i>Barrington</i> , & 1-2 of bilcuite for <i>Chickahominy</i> ,	0047
For Ct. <i>Poole</i> 's entertainement this yeare,	1200

[The lines following the above, are fo obliterated as not to be legible till we come to the words "his legg which hee received in the country's fervice;" from which we may infer that the above item is on account of a wound received by Capt. *Poole*.]

It is alfo ordered that the three Indians here refiding fhall be maintained by the general charge of the whole colony.

To defray all the charges above faid the whole Affembly concluded that there fhould be five pounds of tobacco per pol levied through the colony.

It is further concluded and ordered that every mafter of a family, and every freeman that is to pay five pounds of tobacco per pol as aforefaid for the defraying of publique charges, fhall bring the fame unto the Houfes of the Burgeffes of the plantations within two dayes after notice thereof given unto them. And if any fhall faile to bring in the fame, it is thought fitt that by virtue of this order the faid Burgeffes fhall have power to levy the fame by diftreffe, upon the goods of the delinquents, and to make fale of the faid goods, and to detaine fuch tobacco which fhall be due by this order, and for their fees in making this diftreffe, reftoring to the owner of the faid goods the refidue and remainder. And if the Burgeffes fhall make neglechte herein they fhall be fined by the Governor and Councell.

The Burgeffes doe undertake to provide caske to putt upp the fame and if any damadge fhall befall unto the tobacco, it fhall not light uppon the Burgeffes, unleffe they fhall be faulty therein.

All

All the Burgeffes are with all convenient speed to send to the Governor a list of the tithable persons within their plantations, that thereby the Governor may appoint those that are the creditors for this tobacco to receive it and that he take order to have an account kept of the same.

At this time the matter of fortification was taken into consideration and there was long debate had concerning the place where the forte should be erected. Especially *Point Comfort* was spoken of and was thought the most convenient place, but the great and many difficulties therein, and the want of means and materials for effecting thereof doe almost make it impossible for our weak abilities to bring to perfection: therefore [the lines of the original not legible.] both the assistance of their persons and estates to accomplish so good a worke as to raise fortifications which will be both a safety and reputation unto this colony.

It is ordered that there be an especial care taken by all commanders and others that the people doe repaire to their churches on the Saboth day, and to see that the penalty of one pound of tobacco for every time of absence and 30 pounds for every months absence sett downe in the act of the General Assembly 1623, be levied and the delinquents to pay the same, as alsoe to see that the Saboth day be not ordinarily profaned by workeing in any employments or by iourneing from place to place.

It is thought fitt that all those that worke in the ground of what qualitie or condition soever, shail pay tithes to the ministers.

[Petition of the House of Burgeesses
to the Privy Council Drawn up
at the 1631/32 Session.]

Right Hon^{rs}

MAY it please yo^r Lorpps wee the Burgiesses of this Plantation haue wth great
* * * received the happie newes of his Ma^{ties} gracious Intentions toward
this Colony grauntinge his royall Comission to yo^r hono^{rs} who have beene
pleased to undertake the same and patronage thereof, after soe long and
languishing a consumption Wee have therefore deemed it our duties to present vnto y^r
hono^{rs} the voice of our Acts and proceedings in this last Assembly, And wee beseech yo^r
Lorpps that yo^u in yo^r graue Judgm^{ts} will be pleased to interprett our intentions in all
those Acts, to be wholly for the welfare of the Colony, and such as wee, by large ex-
perience in the place are assured to be most p^{ro}per for the advancement thereof; And wee
become humble suite^{rs}, that now when these assayres shall agayne be established all for-
mer graunts liberties and priuiledges may be confirmed unto us accordinge to his Mat^{ies}
gracious l^{tes} Patents since the dissolution of the late Company, And in p^{ar}ticular wee
recomend unto yo^r hono^{rs} Consideration, that wee may haue all free trade, to those p^{ar}tes
and marquetts where such Comodities as wee by our industry shall rayse will be * * *
and that the lymitts of our Plantation, both to the Northward & the Southward may be
p^{ro}served agaynst all * * * undertakers * * *
That we may have confirmation of all our lands, and diuidents, and that they which haue
arived since the 24th of *June* 1625 to w^{ch} tyme all comers were to have fifty acres of land,
may likewise have apportion graunted vnto them w^{ch} wee desire may be 25 acres, And
for encouragem^t to after comers wee wish also that 12 acres may be graunted vnto all
such as shall come duringe the terme of 7 years next ensuinge, Wee doe also give our
humble advise that a Current Coyne debased to 25 *Percentm*, may be sent vnto vs then
w^{ch} nothinge will be more usefull, The ffort at *Poynt Comfort* hath wth incredible labour
to the vntaker, and excesive chardge to the whole Colony beene brought to good per-
fection, And because we finde the continuall maynteynance thereof, will arise to an in-
supportable burden, yf it be wholly * * * at the planters hands, who haue en-
deavored themselves to this work above their abilities Wee humbly pray that the lands
adioyning to *poynt Comfort* iland and now leasod to severall men may wholly be convert-
ed to that purpose and receaue y^r Lo^{pps} Confirmation, w^{ch} will in part defray the chardge,
Wee the poore planters, of this Colony haue a long tyme groaned vnder the cruell deal-
ings vnconscionable marchaunts, who have by needleffe and vnprofitable Comodities
* * * ingaged the inhabitants in debts of Tobacco, to the value almost of their
ensuinge croppe whereby wee haue necessarily beene tyed to the plantinge of that bad
comoditie, from w^{ch} otherwise wee had willinglie declyned Wherefore in contemplation
of our miserie and findinge noe better way to restrayne the imoderate plantinge of it;
wee haue made that Act not to lett it passe from vs vnder the price of 6^d *q^{rs}* lb. w^{ch} will
either enable us to pay our engagem^{ts}, and soe set free our hands for other workes of bet-
ter consequence, or yf they will deale wth vs at that price, we shall in good part be Im-
ployed, neither doe wee soe much feare, that all marchaunts will be beaten of, as wee
may iustlie dispayre, if it should goe at those contemptible rates, w^{ch} they haue now
brought it vnto, Howeu^{er} we had rather want, then labour as slaves to other mens purses;
amonge

amonge whome we haue good cause to complayne of Captayne *Tucker*, who hath farr exceeded all other marchants in the prizes of their goods, wee doe also become humble suitors that if any doe adventure hither, they will in the first supply us with armes and munition, especially wee doe esteeme quilted cotton Coates most benefitfull, wee are resolved to plant store of Corne, wherefore wee desire, that none that are not resident heere may receave Comission to trade in our Bay, whereby the benefitt that might accrew to the planter or discoverer will be frustrated by those that bear no share in any publique charge, yo^r Lor^{ps} may be pleased to conceive how great our expence is for publique occasions, wherefore wee most humbly referr to yo^r Lor^{ps} consideration, that great charge and burthen, w^{ch} lyet upon the gouerno^r more especially, there beinge left no such meanes to support him, as p^{re}cedinge gouerno^{rs} formerlie haue had hee haueinge now about fve yeares beene resident here, And by the pouertie of the tymes left wholly to vndergoe those expences w^{ch} the Concourse of much people and other occasions will drawe vppon him, Neither is the condicon of the Counsell, in their * * * to be weighed, and in regard the low declencion of Tobacco will make our * * * to Capt *Mathewes* of lesse value, then his expenses, in buildinge the ffort at *Comfort*, he haueinge almost spent his fortunes and estate therevppon, and this * * * in Tobacco the cheifest stay of his subsistence, wee doe also become humble * * * the Customes therevppon may be graunted, vnto him, And wee beseech yr * * * to p^{re}sent ou^r humble peticone to his Sacred Ma^{tie} both in this behalfe and in behalfe of the Gouerno^r and Counsell and wee ou^r wyves and poore children as ou^r dutie is shall euer pray for his Ma^{ties} long life and encrease of hono^r * * * Yo^r Lor^{ps} wee rest and remayne

Virginia 6th of March 1631. Y^r Lor^{ps} very humble servants

ffrancis Epes Wm Perry Thomas Osborne, Nicholas Martian, Thomas fflynt, Thomas Willoughbie, Edward Scarborough, Walter Aston, Thomas Harrewood, Richard Richards, John Southerne, Thomas ffarley, Thomas Jorden, John Howe, Thomas Seely, Thomas Crampe, Percivall Wood, Thomas Ramshawe, John fflood, George Downes.

[Papers of the 1637/38 Assembly.]

[King *Charles I's* Propositions to the Assembly of *Virginia*, February 1637/8.]

THE Kings Ma^{ty} Comands are in these followeing Propositions. *Viz*^t

1 That y^e consider and resolve what quantities of good and merchantable tobacco y^e will undertake to send yearly to the porte of *London* haveinge rela^{ti}on to more staple and honorable comodities wherein his Ma^{ty} has resolved to give y^e all encouragem^t.

2. Next if any stock or some of money should bee provided to take of at reasonable dayes of payment the said quantity soe resolved on, yo^e will consider and resolve what price and value peremptorily to sett thereupon.

3 Next that y^e consider of some convenient place to bringe yo^r tobaccoe to, as to one or more appoynted Warehouses.

4 Next his Ma^{ty} beinge informed of manie oppressions brought upon his Subjects by many Merchants & Maisters of Shippes that in the tymes of their necessities take advantage to sell cloathes and provisions for their supplies at greate and excessive rates and covenanted to receive payment in tobacco accordinge to the poore and lowe value thereof & at that tyme w^{ch} they exacte from them in the same proportions his Ma^{ty} therefore out of his princely care and considera^{ti}on of his subjects have thought fitt that the Planters set downe howe farre they have engaged themselves and upon what debts and to whome and the tyme when the debts were made, and what thereof is discharged and payed, that upon retourne thereof to the Lord Treasurer some order may bee taken for such satisfac^{ti}on as shall bee found just and reasonable to the Creditors.

5. Lastly the Kings will and pleasure is that those farthings authorized to passe betweene man and man for rechaunge wthin his Ma^{ty} realme of *England* shall bee made currant to passe in payment betweene man and man in their comerce & trade wthin the Colony. And therefore that y^e take into considera^{ti}on what quantities thereof may bee usefull and fitt to bee vented here that notice may bee given thereof to the right hon^{ble} *Henry Lord Matravers* whoe is one of his Ma^{ty} Patentees for the makeinge and ventinge them in *England* and who (his Ma^{ty} will and pleasure is) shall furnish this Colony wth such quantities as shall bee required by way of truck or exchange for comodities vendible in *England*.

[The Burgesse's Answer to the King's Propositions.]

To the right Worspll the Governor and Counsell of State.

The humble aunswere of the Burgesse of this p^{re}sente grand Assembly to His Ma^{ty} Comaunds.

WHEREAS of most gra^{ti}ous Sovereigne the Kings Ma^{ty} out of his Princely care of us his people, and this his Colony of *Virginia*, hath beene pleased to take into his royall considera^{ti}on the weake and meane estates of us his poore Subjects here inhabitinge occasioned partely through the vast quantity of tobaccoe by us here made as allsoe by the boundles desire of gayne in those w^{ch} yearly supply us, and to that purpose hath pleased to signifie his sacred comaunds unto us both for betteringe the quality and lesseninge the quantity of our tobaccoe, And that wee should signifie unto His Ma^{ty} what quantities wee would yearly send home, and to sett an exact price thereupon.

1 *First* in obedience of w^{ch} comaunds wee the Burgesse of this Grand Assembly doe upon the Bended knees of our harts prostrate ourselves at the feete of his most
sacred

sacred Ma^{ty} humbly intreatinge his highnes to bee pleased to admitt us the free benefitt and use of our comodity and to add unto us the continuance of his Princely assistance in conforminge all his Ma^{ty} people upon Plantacons plantinge tobaccoc, to confyne themselves to the iust proporcon of one thousand five hundred plants per poll yearly prohibitinge all ratoones and second cropps. Onely for this presente yeare in regard wee stand doubtfull of the conformity of other plantacons w^{ch} will much prejudice the advaunce of the price of our comodity together wth respecte unto our ingagem^{ts} and taxes. Wee humbly intreate yt may bee lawfull for us to have the full use and benefitt of plantinge Tobaccoc not neglectinge the plantinge store of corne, the propagating gardens and orchards, and the breedinge of cattle Hogges and powltry. And that noe tobaccoc may passe But such as shall be found good and merchantable Wee desire that twoe men or more may bee appoynted and fworne in every parish to veiwe the tobaccoc of each cropp and what they shall find good to bee sealed wth the seale appoynted for measuringe Barrells, and all other tobaccoc to bee Burnte.

2 Secondly wth the like submiffion unto his Sacred Ma^{ty} wee anfwere that wee conceive yt would much tend to the advance of the comodity of tobaccoc that a certen rate of 12^d 3^{lb} for some fewe yeares may bee set upon all the tobaccocs of this Colony and all other His Ma^{ty} plantacons and that a penalty may bee imposed upon the planters not to parte wth yt at anie under rate, and that noe tobaccoc of this Colony Bee putt a Board anie Shipp or anie parcell of anie planters cropp Bee payed or receaved Before the first day of *February* yearly Before w^{ch} tyme wee conceive that all tobaccocs will have endured the hazard of spoyleinge whereby the glutt and vast quantyities of our tobaccocs will bee much lessened, and His Ma^{ty} dutyes and customes much advaunched, when as noe pretence can bee made for the garblinge of tobaccoc in *England*. But such as shall bee damnified by the insufficiency of Shippinge. This course beinge begun may continue twoe or three yeares, by w^{ch} tyme respectinge the goodnes of the comodity wee may againe joyntely conclude to lessen the quantity and raise the price, And if yt shall bee deemed His Ma^{ty} losse in fallinge from soe greate to a farre lesser quantity of tobaccoc, our desire is His Ma^{ty} profitts may bee raised wth ours. This wee conceive to bee the onely way to advaunce our comodity wherein at present consists our cheefest releefe and subsistence. And to enable us for the indeavouringe and undertakeinge of other comodityes of more worthe consequence, and w^{thout} this course yt is impossible for us to abate or lessen ought of our indeavour from Tobaccoc more then the garblinge of yt heere w^{ch} will much lessen the quantity in regard of the goodnes.

3 Thirdly wth the like obedience unto our dread Sovereigne, Wee anfwere that the erectinge and buildinge of Stores and the Bringeinge of every man's tobaccoc unto them would bee very chargeable and burthensome to the whole Colony w^{ch} at present wee are very unable to undergoe, besides much hazard & the damadge and losse in spoyleinge greate parte of our Tobaccocs. The casuallty of wynd and weather beinge considered in respect of the remoatenes of our Plantacons one from another. And wee haveinge noe other meanes to export our tobaccocs but by Boatinge wee humbly intreate that Convenient shippinge may bee licensed to come into every County where they will find every man's howe a store convenient enough for their ladinge Wee Beinge all seated by the Riveride.

4. Fowerthly, Whereas His Ma^{ty} hath taken into his princely care and consideration the unconscyonable dealinges of Merchants and Seamen exactinge the prizes of their goods accordinge to the necessity of the Colony whereby wee are brought into very greate ingagem^{ts} unto them. In all humblenes and thankfulness unto His Sacred Ma^{ty} Wee anfwere that our resolucons and indeavours are fully Bent to free our selves from that thraldom and to give the Merchants such good and tymely satisfaccon as that they shall noe way bee discouraged from adventureing hither as formerly (although the price of our tobaccoc be raised w^{ch} in respect of lesseninge the quantity and betteringe the Condiçon the Merchants will the sooner yeald unto) For the life of our beinge and subsistence principally consists in our yearly supplies, and our freedoms in the trade thereof

thereof, w^{ch} gives greate comforte unto us His Ma^{ty} poore Subjects, But many and unspeakeable are the miseries of the Contract.

5. *Lastly*, whereas His Ma^{ty} hath taken into his Royall considera^{cion} our want of a Currant coyne for the encouragem^t of trademen to followe theire severall professions and hath bene gracoufely pleased to signifie unto us that the farthinge tokens that passe for currant rechaunge wthin his highnes kingdome of *England* shall bee made allsoe currant heere. Wee wth the like obedience unto his Sacred Ma^{ty} doe answere that in regard the said farthinges are very much under the value of them in copper and therefore subje^{ct}e to bee altered, that all trademen and others will bee alltogether dishartened to take them in satisfaccon for theire labours or in exchange for Comodities. Wee therefore humbly desire his highnes that the value of five thousand pound *sterlinge* may bee yearly ymported unto us untill wee bee sufficiently furnished therewth, whereby Artificers may be encouraged to use theire trades Workemen ymployed in more honorable ymploym^{ts} then plantinge tobaccoe, and thereby the quantity thereof much lessened by our severall Indeavours in buildinge shippinge Erectinge of townes fishinge gardeninge and raisinge of hogges and other Cattle Both for shippinge and trade w^{ch} are the mayne sinewes of all flowringe comon Weales. The w^{ch} may not well bee accomplished wthout a Coyne. And that y^t may bee the more portable, Wee in all humility implore his sacred Ma^{ty} to furnish us wth such currant coyne of silver, under the values, for w^{ch} allowance of 10^d 3^d Centum for the benefitt and Incouragem^t of such Merchants or others whome wee shall approve of that shall ingage themselves by way of Banke or otherwise by exchange to satisfie all the exchange and engagem^{ts} fully accordinge to condi^{cion}s.

All w^{ch} that wee may the better obteyne, Wee most humbly intreate the right Wor^{sh}pl the Governor & Counsell to assiste us in and Wee shall ever (as in duty bound) Pray &c

(Indorfed)

The Burgeses theire First Answere to the Kinges Proposi^{cion}s.

[The Reasons of the Burgeses' Answer—*Virginia*.]

To the right Wor^{sh}ps the Governor and Counsell of State

THE reasons to bee annexed to the answere of the Burgeses w^{ch} they have already presented.

1. *First* wee humbly intreate your Wor^{sh}ps to conceive that wee cannot resolve what quantities of o^r tobaccoe will bee yearly made in the Collony in respect of the uncerten number of people yearly comeinge and the mortallity of people here farre greater some yeares then others. Soe that wee are not at anie tyme certen of the number of our Inhabitants. And whereas wee desire by our answere the free benefitt & use of our comodity the reason induceinge thus there unto is, that thereby people may bee encouraged to come out of *England* to plant and inhabite here, whereby the Collony will bee the better strengthened and secured from anie trecherous practises of the Natives contrary to w^{ch} the restraynte of our liberty of plantinge will not onely disharten all men from comeinge hither except such as are inforced through wante & poverty But allsoe will cause many of the Inhabitants here to leave this Colony, and purchase the free use of theire labour in other planta^{cion}s soe that the Colony would bee thereby much weakned and in shorte tyme, in regard of our yearly mortallity wee should bee disabled to defend ourselves, Cattle and Planta^{cion}s from the tyranny of the Indjans.

Further the limita^{cion} of a certen number of plants 3^d poll hath already caused diverse of the Inhabitants to forsake their Planta^{cion}s and to neglecte the fencinge of grounds, the plantinge of corne, orchards and gardens, the makeinge inclosures, and pasture for cattle and other uses, Beinge nece^{ss}itated for theire presente releefe and subsistance to remove and plant upon such grounds as would yeald most Tobaccoe upon

a Plante allthough they have suffered all other inconveniences thereby and such as are not able to remove from their old and over worn grounds are kept by the limitation of a certain number of plants & poll in perpetuall poverty and ingagement, in regard their labour upon so many plants will not produce half so much tobaccoe as others. And further in that we have desired that there might be conformity in all his Ma^{ty} plantations for the quantity of planting, We conceive that the vast and excessive quantities of tobaccoe w^{ch} are yearly made in the *Cariba* Islands being generally twice as much & poll at the least as we wth the uttermost of our endeavors can make, hath beene the onely meanes to beat downe the price of all tobaccos, so that wthout a conformity of planting in all his Ma^{ty} plantations there is very little hopes eyther by the lessening or bettering our quantity in this Colony to advance the price.

2. *Secondly*, We humbly intreate Your Worps to consider howe prejudiciall y^t will be to the Settlement of this Colony for us to propound a some or stock of monie to be yearly provided to take of our tobaccos at a certain price, for we conceive that the free use and benefit of the trade of our comodity will much encourage persons of quality to adventure themselves and their Estates hither when they shall have free correspondence wth their freinds and other adventurers in *England* to be furnished wth yearly supplies, and to make the best profit in the sale of their tobaccos, and animate the most industrious men in this Colony whoe have partly freed themselves from the greedy exactions of the Merchants here by exporting of their tobaccos yearly for *England* to be sold, for their best advantage and returned in necessary comodities and findinge themselves in so good course have hitherto resolved to settle their Estates here for posterity, and are thereby enabled in their resolutions to erect good buildings, planting & propagatinge gardens and orchards, fenceinge and Inclosures for Cattle w^{ch} are the onely motives causinge every man to accompte that place to be his settled habitacon where hee hath so voluntarily spent his endeavors. W^{ch} on the contrary if we shall be denied the free course of our owne comodity, most men of ability and industry will converte their whole Estates into tobaccoe & so resolve to leave and forsake the Colony and take the opportunity of a present price for feare of future alteration therein, whose examples y^t is to be doubted, that all men that can will followe, for proofe where of we can instance divers in this Colony whoe fearinge the abridgm^t of their former libertyes begin to repent their severall disbursements some in good buildinge and others in purchasinge plantations and buyinge of Cattle. Wherefore y^t is much to be feared that unles His Ma^{ty} will be pleased to continue us in our free endeavors the future hopes of this Colony will be utterly subverted.

3. *Thirdly* we humbly intreate yo^r worps to consider howe inconvenient and prejudiciall y^t will be to build warehowes and to bringe our Tobaccoe to them, the reasons we have in parte sett downe in our answers already presented. And further the greatest parte of the Inhabitants are in want of Boates and not able to procure them so that they must be forced to imparte wth a great parte of their croppes for the transportation of the rest unto a store and when all the Tobaccos of a County shall be brought into one store the casualty of fyreinge the same w^{ch} may be accidentally done eyther by the Indyans or other wise besids other danger of spoyleinge will cause diverse persons to be in continuall feare of utter undoinge havinge no other meanes for the releefe & cloathing of themselves, their wives, children and families, then their present cropp. All w^{ch} hazard will be prevented by every mans keeping his owne comodity and delivering y^t from his house.

4. We humbly entreate Your Worps to consider howe impossible y^t is for us to give a generall accompte of the present engagem^{ts} of every perticular man and the tyme when the debts were made and what thereof is unpaid, when we conceive that the third parte of the Countreys debts at the least were made by persons deceased and nowe remayne to be payed by their Executors or Administrators whoe can give no other
informacon

informaçon of them then that they are soe much indebted but for what confideration the said debts were made they are altogether ignorant. For further satisfacçon concerning the fowerth proposition, wee humbly referre y^u to our anfwere already presented.

5. *Lastly* wee humbly intreate Your worships to conceive that wee are noe wayes doubtfull of the Lord *Matravers* or anie other whome His Ma^y shall bee pleased to appoynte for supplyeing us wth a coyne, Onely wee desire that our coyne may bee somewhat neere the value, least upon anie future alteraçon yt should bee a meanes to undoe the whole Colony. And wee conceive that the some of five thousand pounds *Sterlinge* yearely (as is expresse in our former anfwere) will bee sufficyent for the payment of artificers and workmen.

[The Governor's Reply to the Burgeffes' Answer.]

The Reply of the Governor and Counsell to the Anfwere of the Burgeffes.

1. **U**PON perusall of your anfwere wee find you have rather studyed to serve your owne ends then His Ma^{ty} comaunds, and that y^u have rendred your selves uncapeable of treaty by denyeing what your owne free consents had formerly signed for instance whereof the last yeares acte concerning the plantinge of tobaccoe as sufficyent by w^{ch} yt appeareth that instead of a peremptory anfwere w^{ch} is required from you to what quantity y^u will subscribe, You strive and capitulate to enlarge the quantity your selves had formerly moderated Let former Assemblyes judge y^u wherein 1500 plants per poll was the then stint. And indeed soe empty of satisfaccon or civility is this your anfwere to the first proposicon that whereas the kinge assures y^u that all other plantaçons shall bee regulated in their quantity y^u seeme to keepe distance in your obedience from a presumptuous doubt of his Ma^{ty} royall promise Soe that wee conceive y^u have not yet touched the poynte nor indeavoured at all to approach his Ma^{ty} commands for the lesseninge your quantity.

2. The second is of the same strayne wth the former, nor doe y^u seeme desirous to meete his Ma^{ty} pleasure. But as men in love wth their owne wayes study proposicons instead of answeres.

3. The prooffe is very pregnant howe unitable a foundacon y^u build upon in maynteninge the exceffe of this comodity of Tobaccoe when by pretendinge disability to build stores y^u intimate howe sick and languishinge a common wealth y^u have yo^r poverty and disability to undertakeinges of consequence yearely increafeinge upon y^u for howe otherwise could former Assemblyes voluntarily actuate that w^{ch} nowe the Kinges comaunds receive repulse in.

4. Wee still find y^u in love and league wth your owne humors and in a resolute crossenes to his Ma^{ty} proposicons and therefore wee fynd yt fitt to retourne yo^r anfwere as altogether insufficyent as allsoe full tyme to give y^u caution to call to confideracon the last claufe of his Ma^{ty} royall lres, whereby y^u may find his Ma^{ty} resolved in case of your perversenes to advise of some other course wth the Lords of his Ma^{ty} most honorable privy Counsell concerninge your future regulatunge.

5. Whereas the Kinges pleasure is that the right honorable *Henry Lord Matrevers* shall have the rent of a Coyne hither wth a presumptuous contradiccon and retortinge you would insilt upon such persons whoe shall stand wth your owne pleasure and approbacion w^{ch} wee must not admitt for anfwere. And for yo^r last claufe wherein y^u begge our assistance our reply is thus positive Wee cannot soe forgett our duties to that Maister and Kinge wee serve. And therefore if your anfwere stand upon these termes wee must dissolve yo^r meetinge and retourne your disobedyence

[The

[The Burgeffes' Answer to the Governor.]

To the right worppl the Governor and Counsell of State.

The humble answere of the Burgeffes of this grand Affembly to the second Reply.

WEE have accordinge to your Worps proposicon wth our best indeavo^{rs} composed our former answeres and reasons together and wee humbly intreate your worps to conceive that the limittacon of planting hath cheefely hindred the settinge ploughes to work and other good undertakeinges, for thereby divers persons of good ability have beene forced from their ould plantacons w^{ch} are the onely grounds usefull for the plough, and are still deterred from makeinge anie resolved settlem^t in respect they have beene compelled by their then presente occasions to seeke out and plant upon those grounds w^{ch} would yeald most tobaccoe upon a plant. W^{ch} if liberty of plantinge had beene permitted they would not have done. And further wee humbly intreate your Worps to conceive that the cheefest meanes to lessen the quantity and better the quality of tobaccoe will be to take an exacte and carefull course in veiweinge all tobaccoe and burninge that w^{ch} is bad. For by the due execucon thereof all men will desist from their vast quantities and endeavour to excell in the goodnes w^{ch} hath allwayes beene helpfull to the price Whereas for some fewe yeares past the restraynt and limitacon hath beene very prejudiciall to the goodnes of most tobaccoes in the Colony by the gatheringe of leaves neare the ground wantinge substance and of an earlie sent and taft and the makeinge of second croppes. The planters for their present subsistence striveinge to make the most tobaccoe of soe manie plants & poll although they have thereby hazarded the spoyleinge of their whole cropps. Neither hath former limittacons ought lessened the quantity of tobaccoe for at least twoe thirds of the Inhabitants have thereby had liberty in respect of their families to plant as much or more then their Workers in the ground could compasse to tend soe that the restraynte hath beene onely prejudicyall to some fewe men w^{ch} for the most parte have neither cattle nor anie other subsistence but their labours further wee humbly intreate your wōps to conceive that most of the Inhabitants of this Colony are sensible of the necessary helpe and benefitt of draught oxen and ploughes that all men of ability haveinge the meanes for such undertakeinges will endeavour as soone as they can to obteyne and ymploy them.

[The Burgeffes' Answer.]

To the right Worppl the Governo^r and Captayne Generall of Virginia and the Counsell of State.

The humble answere of the Burgeffes of this present Grand Affembly unto the Kinges Ma^{ties} Comaunds.

WHEREAS o^r most graçous Sovereigne the Kinges Ma^{ties} out of his princely care of us his people and this his Colony of *Virginia* hath beene pleased to take into his Royall consideracon the weake and meane estate of us his poore Subjects, occasioned partely through the vast quantities of tobaccoes by us here made, as alsoe by the boundles desire of gayne in those w^{ch} yearly supply us, and to that purpose hath beene pleased to signifie his sacred comaunds unto us both for betteringe the quality & lessening the quantity of our tobaccoes and that wee should signifie unto his sacred Ma^{ties} what quantities wee could yearly send home, and to sett an exact price thereupon. First in obedience to w^{ch} comaunds Wee the Burgeffes of this present Grand Affembly upon the bended knees of our harts, doe prostrate our selves at the feete of his most sacred Ma^{ties} humblie intreatinge his highnes will bee gracoufelic pleased to conceive that in respecte of the uncerten number of people yearly comeinge hither and the mortality here, being some yeares farre greater then others wee are unable

to resolve what quantities of tobaccos will bee yearly made in this Colony, And wee further implore his sacred Ma^{ty} to admitt us the free use and benefitt of our comodity to incourage other people yearly to transport themselves hither to inhabitt, w^{ch} will the better strengthen and secure us against the trecherous practises of the Natives, the retraynte and abridgment of w^{ch} liberty will not onely disharten all men from comeinge hither (except such as are enforced through wante and poverty) but will cause many of the Inhabitants here to leave the colony and purchase the free use of their labour in some other plantacon soe that the Colony in short tyme in respect of our yearly mortality will bee brought into soe meane and miserable estate as that wee shall not bee able to defend ourselves, cattle and plantacons from the tyranny of the Natives And further wee humbly intreate his Ma^{ty} will bee pleased to add unto us the continuance of his princely assistance, in conformeing all his highnes Subjects of other Plantacons plantinge Tobaccoe to confyne themselves to the just proporcon of 1500 plants ℥ poll prohibitinge all ratoones and second cropps and for some fewe yeares to set the certen rate of twelve pence ℥ pound upon all tobaccoe wth a penalty to bee layed upon the planter to parte wth yt at anye under rate in regard the wast and excessive quantities of tobaccos w^{ch} are yearly made in the Southerne parts of *America* beinge twice soe much at the least ℥ poll (as wee wth the uttermost of our indeavours can make) hath beene the cheefest meanes to beate downe the price of all Tobaccos. This course beinge begun may continue twoe or three yeares, by w^{ch} tyme wee may againe joyntly conclude to lessen the quantity and raise the price and if yt shall bee deemed his Ma^{ty} losse in his customes by fallinge from soe greate to a farre lesse quantity of tobaccoe Wee humbly desire that his Ma^{ty} profits may bee raised wth the price, this wee conceive to bee the onely way to advance the comodity of Tobaccoe wherein at present consists our cheefest releefe and subsistence and to enable us for the undertakeinge of other comodities of more worthie consequence.

In the meane tyme wee humbly intreate to have the free use and benefitt in the trade of our tobaccoe w^{ch} will much incourage persons of quality to adventure themselves and estates hither, when they shall have free correspondence wth their freinds and other Adventurers in *England* to bee furnished wth yearly supplies. And to make the best profit in the sale of their owne comodities and animate the most industrious men of this Colony whoe have partely freed themselves from the greedy exactions of Merchants here by exporting their tobaccoe yearly for *England* to bee sold for the best advantage and returned in necessarie comodities whoe fyndeinge themselves in soe good course have hitherto resolved to settle their estates here for posterity and thereby are inabled in their resolutions to erect good buildinges plantinge and propagatinge gardens and orchards fenceinge and inclosures for cattle w^{ch} are the greatest motives causeinge every man to accompt that place to bee his settled home Wherein hee hath soe voluntarilie spent his indeavours the retraynte of w^{ch} free comerce of our comodity will bee a meanes to cause most men of ability and industry to convert their whole estates into tobaccoe and soe forsake the Colonie and take the oportunity of a present price for feare of future alteracon therein whose examples yt is doubtfull all men that can will followe, for prooffe whereof wee can instance diverse in the Colony whoe fearinge the abridgem^t of their former libertyes begin to repent their severall disbursements some in good buildinge others in purchaseinge plantacons and buyeing of cattle wherefore yt is much to bee feared that unles his Sacred Ma^{ty} will bee pleased to continue us in our free indeavours, the future hopes of this Colony will bee utterly subverted.

And in the meane tyme untill wee shall have certen assurance of all other his Ma^{ty} Plantacons in respect of our present ingagem^{ts} and in that the former limitacon of 1500 plants ℥ poll hath already caused diverse of the Inhabitants here to forsake their plantacons, and to neglect the fenceinge of ground the plantinge of corne orchards and gardens the makeinge of pastures for cattle and other inclosures whoe have beene necessitated for their presente releefe and subsistence to remove and plant upon such ground as will yeald most tobaccoe upon a plante althoughe they have suffered all other inconveniences

inconveniencies thereby And such as have not beene able to remove from their old and overworne plantations have beene kept by that limitation in continuall poverty and ingagem^{ts}. In regard their labour upon so manie plants would not produce halfe so much tobaccoe as others upon newe ground. Wee humbly intreate that wee may have the free liberty of planting tobaccoe as well as those his Ma^{ties} Subjects upon other plantations untill there bee a generall conformity and that noe tobaccoe may passe but such as shall bee founde good and merchantable. Wee humbly desire that twoe men or more in every parish bee appoynted and sworn to viewe the tobaccoe of each man's cropp and what they shall find good to bee sealed wth the seale appoynted for measures, and all other tobaccoe to bee burnt, And further that noe tobaccoe shall bee payed or received out of anie man's cropp or putt on board anie Shipp before the first day of *January* yearly before w^{ch} tyme wee conceive all tobaccoe will have endured the hazard of spoyleinge soe that the glut and vast quantity of our tobaccoe will bee much lessened and his Ma^{ties} duties and customes much advaunced When as noe pretence can bee made for the garblinge of tobaccoe, But such as shall bee damnified by the insufficiency of shippinge.

With the like obedience unto our dread Sovereigne wee humbly answer that the erectinge and buildinge of generall warehowses and bringeing our tobaccoe unto them will bee very chargeable and burthensome to the Colony w^{ch} at present wee are very unable to undergoe Besides much hazard of the damage and spoyleinge our tobaccoes by boatinge in respecte of the remotenes of our plantations one from another, the casuality of wynd and weather beinge considered and the greate charge to most of the Inhabitants whose for want of sufficient boates and meanes to procure them will bee continually enforced to pay for the transportacon of their tobaccoes unto the said Stores or Warehowses, allsoe the continuall danger of fyreinge such stores eyther by the Indyans or otherwise, W^{ch} accident happeninge would bee the utter undoeinge of diverse of his Ma^{ties} poore subjectes whose yearly cropps are the onely meanes for the relefe of themselves their Wives, Children and Families wth cloathing and other necessaries Wherefore wee humbly intreate that convenient shippinge may bee licensed to come into every County where they will find every man's howse stores convenient for their ladinge, Wee beinge all seated by the rivers side.

And whereas his Ma^{ties} hath taken into his Princely care and consideracon the unconscionable dealinges of Merchants and Seamen exactinge the prices of their goods accordinge to the necessity of the Colony whereby wee are brought into very great ingagements Wee humbly intreate your worps to consider howe unpossibile yt is for us to give a generall accompt of the present ingagem^{ts} of every particular man and the tyme when the debts were made and what thereof is unpayde when wee conceive that the third parte of the Countreys debts at the least were made by parties deceased and now remayne. to bee payde by their Executors and Administrators whose can give noe other informacon then that they are soe much indebted But for what consideracon the said debts were made they are altogether ignorant. Further wth all submission and thankfullnes unto our gracious Sovereigne Wee answer that our resolucons and indeavours are fully bent to free our selves from the thraldome of debtes and to give the Merchants such good and tymely satisfaccion as that they shall noe way bee discouraged from adventuringe hither as formerly although the price of our Tobaccoe bee raised w^{ch} in respect of lesseninge the quantity and betteringe the condicon thereof the Merchants will the sooner yeald unto, for the life of our beinge and subsistence principally consists in our yearly supplies. And our freedoms in the trade thereof w^{ch} gives great comfort to us his Ma^{ties} poore Subjects But many and unspeakeable are the miseries of contracte.

Laftely Whereas his Ma^{tie} hath taken into his royall Confideraçon the wante of a Coyne for the encouragem^t of tradefmen in the Colony to followe their feveral profeffions and hath beene gracoufely pleaſed to ſignifie that the farthinge tokens that paſſe for currant rechaunge wthin his highnes Kingdome of *England* ſhall bee made currant heere, Wee wth the like obedience unto his ſacred Ma^{tie} doe anſwere that in regard the ſaid farthinges are very much under value of them in copper and therefore ſubject to future alteraçons all tradefmen and others will bee diſhartened to take them in ſatiſfaction for their labour or in exchange for comodities. Wee therefore humbly intreate our gracious Sovereigne that the value of £5000 *ſterlinge* may bee yearly tranſported into the Collony untill wee ſhall ſufficiently bee furniſhed therewth, W^{ch} ſome wee conceive to bee ſufficient for the paym^t of Artificers and Workemen for ſome fewe yeares, And will cauſe them and diverſe others to deſiſt from plantinge tobaccoe to followe other more worthie ymployments as erectinge of Townes, buildinge of ſhippinge fiſhing and gardeninge and breedinge of cattle and hogges both for the proviſion of ſhippinge and trade in the Colony w^{ch} are the mayne ſynewes of all flouriſhing comon Weales, And further wee humbly intreate his ſacred Ma^{tie} that the ſaid yearly ſome of £5000 *ſterlinge* may bee a currant coyne of ſilver ſome what under the value wth the allowance of tenne 73 centum for the encouragem^t of the undertakers whome his Ma^{ty} ſhall appoynt to ingage themſelves by way of Banck or otherwiſe by Exchange. And wee humbly intreate your Worſps to aſſiſte us in theſe our ſubmiſſive requēts, and wee, as in duty bound, ſhall ever pray &c

(Indorſed)

"*Virginia*"

"The laſt Anſwere of the Burgeſſes"

[Two Papers of the 1641/42 Assembly.]

The Declaration against the Company to be entered as the twenty-first act.

TO all christian people to whom these presents shall come to be read, heard or understood, We the Governor, Council and Burgessees of the Grand Assembly in *Virginia* send greeting in our Lord God Everlasting: Whereas *George Sandis*, Esq. being appointed agent for the colony by an Assembly 1639 hath exhibited a petition in the name of the adventurers and planters in *Virginia* to the Honourable House of Commons in Parliament in *England* for the restoring of the letters patents of incorporation to the late Treasurer and Company—mistaking his advice and instructions from the said Assembly; for his so doing it being neither the meaning nor intent of the said Assembly or inhabitants here for to give way for the introducing of the said company or any other.

To which intent and purpose this Grand Assembly having fully debated and maturely considered the reasons on both sides as well arguing for as against a company and looking back into the condition of the times under the company as also upon the present state of the colony under his majesties government they find the late company in their government intollerable the present comparatively happy and that the old corporation cannot with any possibility be again introduced without absolute ruin and dissolution to the colony for these reasons following, *vizt.*

1st. The intollerable calamity of the colony we find proved by many illegal proceedings and barbarous torments inflicted upon divers of his majesties subjects in the time of the said companies government all which appear *per* depositions taken at a Grand Assembly *anno* 1632 and is known to divers now living in the colony.

Also we find the whole trade of the colony to the general grievance and complaint of the inhabitants then and now appearing to us monopolized by the said company in-much that upon the going home of any person for his country it was not free for him to carry with him the fruits of his labour for his own comfort and relief but was forced to bring it to the magazine of the company and there to exchange it for useles and unprofitable wares.

2dly. The present happiness is exemplified to us by the freedom of yearly assemblies warranted unto us by his majesties gracious instructions and the legal trial *per* juries in all criminal and civil causes where it shall be demanded. And above all by his majesties royal encouragement unto us upon all occasions to address ourselves unto him by our humble petitions which doth so much distinguish our happiness from that of the former times that private letters to friends were rarely admitted passage.

To the *third* for introducing the old corporation without ruin and dissolution to the colony at present as a thing not possible we conceive we have these just grounds.

1st. There can be no right or property introduced for them without proving the illegality of the King's proceedings so that all grants since upon such a foundation must of consequence be * * * and tending to displeasure, we the present planters enjoy our lands by immediate grant from his majesty if (as it is argued in their petition) the King had no power to grant our possessions must give place to their claim which is one invincible argument (as we conceive) of the ruin and dissolution to the colony at present; when if their pretences take place we must be outed of all, And whereas it is alledged that the charter of orders from the Treasurer and Company *anno* 1618, gives us claim and

right

right to be members of the corporation *quatenus* planters we find the company by the said charter where members planters and adventurers are considered by themselves and distinguished in privileges from planters and adventurers not being members and we further find ourselves (being the King's grantees) in the said charter condemned, the clause plainly pronouncing in these words (we do ordaine that all such persons as of their own voluntary will and authority shall remove into *Virginia* without any grant from us in a great and general quarter court in writing under our seals shall be deemed, as they are, occupiers of our land that is to say of the common land of us the said Treasurer and Company) much more such grantees as have their right from an erroneous judgment as they pretend.

2dly. That if the Company be renewed by which means they as aforefaid have leave and the strength of their own charter of orders publicly in this colony to displant us the wiser world we hope will excuse us if we be wary to depart with what (next our lives) nearest concerns us (which are our estates being the livelihood of ourselves, wives and children) to the curtesy and will of such taskmasters from whom we have already experienced so much oppression.

3dly. We may not admit of so unnatural a distance as a company will interpose between his sacred majesty and us his subjects from whose immediate protection we have received so many royal favours and gracious blessings

For by such admission

1st. We shall degenerate from the condition of our birth being naturalized under a monarchical government and not a popular and tumultuary government depending upon greatest number of votes of persons of several humours and dispositions as this of a company must be granted to be from whose general quarter courts all laws binding the planters here did and would again issue.

2dly. We cannot without breach of natural duty and religion give up and resign the lands which we had granted and hold from the king upon certain annual rents (fitter as we humbly conceive if his majesty shall so please for a branch of his own royal stem then for a company) to the claim of a corporation; for besides our births our possessions enjoin us as a fealty without a *salva fide aliis dominis*.

We conceive by admission to a company the freedom of our trade (which is the blood and life of a commonwealth) is impeached; for they who with most secret reservation and most subtilty argue for a company tho' they pretend to submit the government to the King yet they reserve to the corporation propriety to the land and power of managing the trade, which word managing in any sense taken we can no ways interpret, then a convertible to monopolizing; for whether in this sense that all the commodities raised in the colony shall be parted with, exchanged or vended at such rates and prices as they set down or such wares and merchandize as they shall import or be disposed into their magazine or such bottoms as shall from time to time be licensed or ordered by them, or whether in this sense that the planters [obtain?] only such commodities and in such proportions as by advice and determination of their quarter courts shall be directed, still the terms and condition of the planters are subjected to a monopoly that is to their sole guidance governing and managing with what reason we leave to the world to judge; for tho' we submit in depth of judgment and understanding to such as shall sit at the helm there, yet it is very possible and indeed most probable that at this distance wise men may mistake and there is more likelihood that such as are acquainted with the clime and the accidents thereof may upon better grounds prescribe our advantages both for quantity and quality of commodities which by the bounty of his majesty we now enjoy by our Grand Assembly and in any other way will be destructive unto us according to our possession.

Though

Though we may admit the pretence that the government shall be made good to the King that is that the King shall nominate and appoint the Governor. First we find it directly (besides the scope of the part which insists upon the restoring of the company in all formalities next we take it at best but for a fallacie and trap not of capacity enough to catch men with eyes and foresight for upon a supposition that a governor shall be named and appointed by his majesty yet his dependance (so far forth as continuing or displacing) will by reason of their power and interest in great men there rest in them which necessarily brings with it conformity to their wills in whatsoever shall be commanded, which how pernicious it will be to the colony according to our assertion in this head we leave to the ablest judgments.

We the Governor, Council and Burgessees of this present Grand Assembly having taken into serious consideration these and many other dangerous effects which must be concomitant in and from a company or corporation have thought fit to declare and hereby do declare from ourselves and all the commonalty of this colony that it was never desired, sought after or endeavoured to be sought for either directly or indirectly by the consent of any Grand Assembly or the common consent of the people. And we do hereby further declare and testify to all the world that we will never admit the restoring of the said company or any for or in their behalfs saving ourselves herein a most faithful and loyal obedience to his sacred majesty our dread sovereign, whose royal and gracious protection and allowance and maintenance of this our just declaration and protestation we doubt not according to his accustomed clemency and benignity to his subjects to find. And we do further enact and be it hereby enacted and manifested *per* authority aforesaid that what person or persons soever either is or hereafter shall be any planter or adventurer shall go about by any way or means either directly or indirectly to sue for advice, assist, abet countenance or contrive the reducing of this colony to a company or corporation or to introduce a contract or monopoly upon our persons, lands or commodities upon due proof or conviction of any of the premises, (to wit) by going about by any way or means to sue for, advise, assist, abet, countenance or contrive the reducing of this colony to a company or corporation, or to introduce a contract or monopoly as aforesaid, upon the due conviction as aforesaid shall be held and deemed an enemy to the colony and shall forfeit his or their whole estate or estates that shall be found within the limits of the colony the one half shall be and come to public uses the other moiety or half to the informer. This act to be in force and the penalty therein contained to extend to all the adventurers and planters now residing in the colony upon the publication at *James City* and to all adventurers and planters now in *England* or elsewhere out of the limits the colony within five days after the arrival of this our said declaration, protestation and act within the kingdom of *England*, signed under our hands and sealed with our seal of the colony at *James City* the first day of *April* in the year of our Lord 1642 and in the eighteenth year of the reign of our sovereign Lord *Charles* over *England*, &c.

The Governor, Council and Burgessees of this present Grand Assembly taking into serious consideration the many and weighty businels begun in this present Grand Assembly and which yet do remain unfinished and to prevent all doubts whether the passing of the acts already agreed upon will not be a determination of this Assembly do hereby enact and by the authority of this present Grand Assembly be it enacted that notwithstanding the passing and enacting of divers acts already agreed upon this present Assembly shall left be determined but that it be adjourned to the *Thursday* in *Whitson* week being the second day of *June* next coming at which time and day the whole body of this present Assembly consisting of the Governor, Council and Burgessees shall repair to *James City* then and there to determine and finish all such matters as shall be found necessary to be

concluded

concluded and enacted whether in matters already begun or other business that shall then begin or be proposed that may redound to the glory of God, the honour of his majesty and the good of the Colony.

William Berkeley.

Fran. Wyat, Sam. Mathews, Cha. Wormely, Wm. Peirce, Geo. Menefy, Henry Brown, Thos. Pettus, Rich'd Bennet.

Geo: Ludlowe.

Rich'd Townshend

John Upton

Obedience Robins

Ben: Harrifon

Thos. Dewe

John Hill

Ferd. Franklin

John Weale

Edw'd Hill

Thos. Harwood

Nath. Gough

Jos. Johnson

Math. Chiles

Wm. Dacker

Wm. Butler

Thos. Fallowes

Geo. Worleigh

Geo. Hardy

Fra. Fowler

Thos. Bernard

Edward Windham.

God Save the King.

A Remonstrance¹ of the Grand Assembly.

WHEREAS the natural and most wished effects of Assemblies may summarily be comprehended and [in] the ordering and enacting of good and wholesome laws and ratifying and relieving of such disorders and grievances which are incident to all states and republic[s] in which considerations this Assembly may seem to have declined and swerved from those true intents of so happy constitutions if their endeavours and declarations be apprehended either by a bare view of the laws few in number and therefore not answering the expectation of a meeting exceeding customary limits of time in this place used or by comparing the payments and levies now imposed much more free and in respect that in them the grievance of the inhabitants were principally stated,

It is therefore thought fit by them to present and remonstrate to the colony the weighty consequence and benefits redounding thereto by their late consultations.

1st. The first is instanced by repealing the act of four pound *per poll* yearly to the Gov. which is a benefit descending unto us and our posterity which we acknowledge contributed to us by our present Gov.

Next by abolishing condemnations and censures (presidential from the time of the corporation) of the inhabitants from colonies service wherein we may not likewise silence the bounty of our present Governor in preferring the public freedom before his particular profit in which act also we may pronounce the inhabitants absolutely to have recorded the birthright of their mother nation and the remains of the late companys oppression to be quite extinguished.

3dly. The near approach which we have made to the laws and customs of *England* in proceedings of the court and trials of causes.

4thly. The rules and formes set down for deciding of differences and debates concerning titles of land and otherwise.

5thly. The appropriating and accomodating of parishes with metes and bounds that God Almighty may be the more duly served.

6thly.

¹ "Remonstrance" here means a statement or representation.

6thly. The treaties and overtures with the Gov. of the province of *Mariland* requiring much time for maturing and very successful in opening a trade in the Bay of *Chesapeake*.

7thly. The settling of peace with friendship with the Indians by mutual capitulation and articles agreed and concluded on in writing by many messages and interruptions lengthened.

8thly. The Common grievances relieved and removed in assessments proportioning in some measure payments according to mens abilities and estates augmented unto the wealthier sort by the number of the milk kind and in that relief afforded to the poorer sort of the inhabitants which course through the strangeness thereof could not but require much time of controverting and debating.

9thly. Lastly the gracious inclination of his majesty ever ready to our protection and now more particularly assured to us together with the concurrence of a happy parliament in *England* were the greater motives to us to take the opportunity of establishing our liberties and privileges and settling our estates often heretofore assaulted and threatened and was lately invaded by the late corporation and of preventing the future designs of monopolizers contractors and preemptors ever hitherto incessant upon us not only bereaving us of all cheerfulness and alacrity but usurping the benefit and disposition of our labours and we apprehended no time could be mispent or labour misplaced in gaining a firm peace to ourselves and posterity and a future immunity and ease from taxes and impositions which we expect to be the fruits of our endeavours and to which end we have thought it seasonable for us liberally and freely to open our purses not doubting but all well affected persons will with all zeal and good affection embrace the purchase and pray to Almighty God for the success.— Given at a Grand Assembly at *James City* the first of *July* 1642.

William Berkeley.

[From the *Bancroft Transcripts*, *New York Public Library*, V, 435-437.]

[King *Charles I.* to the Governor Council & Assembly of *Virginia*.]

C. R.

5 *July* 1642.

TRUSTY and Wellbeloved. Wee greet you well, Whereas Wee have received a Petition from you, Our Governor Council and Burgeses of the Grand Assembly in *Virginia*, together with a Declaration & Protestation of the first of *Aprill* against a Petition presented in yo^r names to our House of Commons in this our Kingdome for restoring of the Letters Patents for the Incorporacion of the late Treas^r and Company contrary to our intent and meaning, And against all such as shall so go about to alienate you from Our immediate Protection.

And Whereas you desire by yo^r Petition that Wee should confirm this yo^r Declaration and Protestacion under Our Royall Signet, & transmit it to that our Colony. These are to signify that yo^r acknowledgment of our great bounty and favour towards you, and yo^r so earnest desire to continue under our immediate Protection is very acceptable to us; And that as Wee had not before the least intention to consent to the introduction of any Comp^a over that our Colony So Wee are by it much confirmed in our former resolucons, as thinking it unfitt to change a forme of Government wherein (besides many other reasons given and to be given) Our Subjects there (having had so long experience of it) receive so much contentment and satisfaction. And this our approbacion of yo^r Petition and Protestacion, Wee have thought fit to transmitt unto you under our Roy^{ll} Signet, Given at our Court at *Yorke* the 5th day of *July* 1642. To Our Trusty and Wellbeloved Our Governor Councill and Burgeses of the Grand Assembly in *Virginia*.

[Orders Passed at the 1643/44 Sesssion.]

June 3^d 1644:

*I*t is ordered by the Authority aforesaid that the last yeares Sherriffes throughout this Collony respectively doe at the next sesssion of Assembly bring in all their Accoumpts of the last yeare. And they are further hereby required to take due Notice hereof as they will answere the Contrary at their Pill.

It is ordered by the Authority aforesaid that whereas by the late bloody Massacre divers busynesses have wanted their present dispatch and especially the Administration of the Oath a matter of noe meane Consequence in these dangerous tymes. *It is therefore ordered* that the Com^{rs} of each County forthwith doe see the due execution thereof according to the former order to that purpose provided.

Whereas New Matters of Importance hath nowe most unexpectedly interposed itself, as allsoe the deplorable estate of this afflicted Country being unable to Mannadg the affaires that doth continually arise by reason of this present Warre. being noe wayes furnished with a fitt proportion of Armes. and Amunition, for the preservation and safety thereof. But that in all likelyhood may decline to a sodaine Ruine and Desolation. *It is therefore ordered by this present Grand Assembly* that the Governo^r bee entreated to repaire for *England*. and Implore his Ma^{ty}s gracious assistance for our Reliefe with Motion and desires of our he having willingly embraced. It is thought fitt this present Assembly having used their best endeavors for the Countrys defence & preservation. that it bee ordered that there bee an adiournment untill the 15th day of *November* next at which tyme all Busynesses nowe depending may then receive a finall determination. And that the Sherriff of each County bee hereby authorized and Comanded to give Notice to the Burgeses of each County to make their Repaire to *James Citty* at the tyme aforesaid. hereof they may not faile as they will answere the Contrary at their Pill.

It is ordered by this present Grand Assembly that M^r Cornelius Loyd bee employed to the *Dutch* Plantacon the *Sweeds* and *New England*. as agent for the Country. and that he have Commission granted him for that purpose. Whoe hath freely proffered for the expedition of the voyage besides his owne service to Lend the Country thirty barrells of Corne and Sixe hogheads of Tob^o And what Amunition shall bee brought in to bee disposed of by the Governo^r & Counsaile.

[Order Passed at the *October* 1644 Session.]

October 2^d A^o 1644.

IN respect of the present Inability of divers peoples wthin this Collony by the late Maffacre. *It is therefore thought fitt and accordingly ordered. by the authority of this present grand Affembly.* That all servants Armes Amunition and Corne w^{ch} is for every ones provision for the present, bee free & exempted from the Rigour of execution. And this to contynue till the next Affembly.

[Orders Passed at the *March* 1645/46 Session.]

WHEREAS the Yeare was farre spent, before the Levyes were appoynted and p^rporcioned: w^{ch} hath occasioned very badd paym^{ts} to the great detriment of the Creditors to the publique Levy. W^{ch} was not in the possible power of the late sherriffes to prevent; *It is therefore thought fitt* that the said Sherr: vizt of the last yeare bee and are hereby authorized to demand and receive specialtyes, wth security and forbearance for all arreares due to the publique, eyther in their owne names, or in the names of the Creditors, yf they shall see desire it, for paym^t at the next Cropp; wth power to the said sherriffes in case the debtors shall deny eyther paym^t or security and forbearance as aforesaid. That then the said sherriffes shall have power to distrayne. And that the new elected sherriffes in case of non paym^t y^e nexte yeare, of such specialtyes see taken as aforesaid, shall have power to distrayne of the Goods or bodyes of such debtors.

Upon the Intercession of the house of Commons. The Governor and Councell doe thinke fitt to mitigate the height of punishment w^{ch} might bee iustly inflicted upon all Offendors, in the Petitioners Condition: *It is therefore thought fitt & accordingly ordered by this Grand Assembly.* That Christopher Burroughs shall make a publique acknowledgment of his offence, upon his Knees, before this grand Assembly. And likewise in the two parish Churches, in the County of Lower *Norfolk*, in the tyme of divine service: And at the County Court. And bee disabled forbearing any publique office, eyther in Church or Commonwealth, for seaven yeares after yett to come: And put in security for his good behaviour at the said County Court.

[By the Governor, Counsell, & Burgeesses
of the Grand Assembly in *Virginia*,
Aprill the 5th 1647.]

WHEREAS many & most absolute necessities have given Cause to severall late grand Assemblies to establish sundry solemne Acts & publish declarations thereupon to invite & encourage the *Dutch* nation to a Trade & Commerce with the Inhabitants of the Collony, w^{ch} now for some few yeares they have Inioyed with such Content, Comfort & releife that they esteeme the continuance thereof, of noe lesse consequence then as a relative to their being & subsistence.

Now for as much as rumours & reports are rayfed and spread abroad, that by a late ordinance of the Parliament of *England*, all strangers are p^hibited trade wth any of the *English* plantacons, w^{ch} wee conceive to bee the invention of some *English* Merchants on purpose to affright & expell the *Dutch*, and make way for themselves to Monopolize not onely our labours and fortunes, but even our P^hions, w^{ch} wee may with soe much sence of smart deliver, in that with the confidence of truth wee may averre, that the Monopolize, contracts & of p^hiects of our commodity designed upon & against us by the *English* Merchants for false ends, & to our ruine have cost us more in charges of Assemblies, then would have sufficiently fortified the Country with the advantage of many a p^hitable nurserye for Manufactures:

In w^{ch} report wee have Cause to feare the hand that hath already bin soe heavy upon us & with Charity enough to doubt a practise from those whose heads have been over busily & restlessly employed to gaine their ends upon us:

f^hor wee may not p^hsume on such a thought that the most hono^{ble} houses of Parliament would conclude us in a Case of right & priviledge granted unto us by ancient Chart^r. (*Vidzt*) that it should be lawfull for the Planters to entertaine trade with any nation or people in amitye with his Ma^{tie} especially without hearing of the p^hties principally interesteed, w^{ch} infringeth noe lesse the libertye of the Collony & a right of deare esteeme to free borne P^hions: (*Vidzt*) that noe lawe should bee established within the kingdome of *England* concerninge us without the consent of a grand Assembly here.

Or in Case the most hono^{ble} houses have bin abused & by the wylie & spetious p^htences of Merchants, or Seamen trading to the Collony bin circumvented to the passing of such an Ordinance, wee are assured the Justnes of our Cause will finde admittance & vindication from y^t hono^{ble} Counsell: The rights, immunities & priviledges of our Charter by as due a Clayme belonginge to us, as is the wages of an hirelinge that hath laboured for it, for they only gave us Invitacon & were the Condiçonall reward & guerdon p^hpounded for our Undertakeings in those rugged paths of Plantacon.

But haveing neyther received p^hibition or Intimacon concerning the sayd trade, wee can interprett noeother thing from the report, then a forgerie of avaritious P^hions, whose sickle hath bin ever long in our harvest alreadye.

Howsoever if the Act were illegall (though on the contrary wee are warranted by right & therefore by lawe) wee must like Creatures even of sence p^hvide for our owne safeties & subsistence.

In Order whereupon, wee doe againe invite the *Dutch* Nation, & againe publish & declare all ffreedom & libertie to them to trade within the Collony. And doe oblige ourselves & the whole Collony to defend them with our uttermost power & abilitye, in the peaceable fruition thereof eyther by reparacon from the estates of those who shall offer them any violence or caule them any disturbance or otherwise; & shall p^hceede gainst them as Oppugners of our undoubted rights & priviledges.

[Speech of Sir *Wm. Berkeley*, and Declaration of the Assembly, *March* 1651 (1650/51)].

GENTLEMEN you perceave by the Declaration that the men of *Westminster* have set out, which I beleeeve you have all seene, how they meane to deale with you hereafter, who in the time of their wooing and courting you propound such hard Conditions to be performed on your parts, & on their owne nothing but a benigne acceptance of your duties to them.

Indeed me thinks they might have proposed something to us which might have strengthened us to beare those heavy chaines they are making ready for us, though it were but an assurance that we shall eat the bread for which our owne Oxen plow, and with our owne sweate we reape; but this assurance (it seemes) were a franchise beyond the Condition they have resolu'd on the Question we ought to be in: For the reason why they talke so Magisterially to us in this, we are forsooth their worships slaves, bought with their money and by consequence ought not to buy, or sell but with those they shall Authorize with a few trifles to Cofzen us of all for which we toile and labour.

If the whole Current of their reasoning were not as ridiculous, as their actions have been Tyrannicall and bloody; we might wonder with what browes they could sustaine such impertinent assertions: For if you looke into it, the strength of their argument runs onely thus: we have laid violent hands on your Land-Lord, possesse'd his Manner house where you used to pay your rents, therefore now tender your respects to the same house you once revered: I call my conscience to witnes, I lie not, I cannot in all their Declaration perceave a stronger argument for what they would impose on us, then this which I have now told you: They talke indeed of money laid out on this Country in its infancy: I will not say how little, nor how Centuply repaid, but will onely aske, was it theirs? They who in the beginning of this warr were so poore, & indigent, that the wealth and rapines of three Kingdomes & their Churches too, cannot yet make rich, but are faine to seeke out new Territories and impositions to sustaine their Luxury amongst themselves. Surely *Gentlemen* we are more slaves by nature, then their power can make us if we suffer our selves to be shaken with these paper bulletts, & those on my life are the heaviest they either can or will send us.

'Tis true with us they have long threatned the *Barbados*, yet not a ship goes thither but to beg trade, nor will they do to us, if we dare Honourably resist their Imperious Ordinance. Assuredly *Gentlemen* you have heard under what heavy burthens, the afflicted *English* Nation now groanes, and calls to⁷ heaven for relief: how new and formerly unheard of impositions make the wives pray for barrenesse and their husbands deafnes to exclude the cries of their succourles, starving children: And I am confident you do believe, none would long endure this slavery, if the sword at their throats Did not Compell them to Languish under the misery they howrely suffer. Looke on their sufferings with the eyes of understanding, and that will prevent all your teares but those of Compassion. Consider with what prisons and Axes they have paid those that have served them to the hazard of their soules: Consider your selves how happy you are and have been, how the Gates of wealth and Honour are shut on no man, and that there is not here an Arbitrary hand that dares to touch the substance of either poore or rich: But that which I would have you chiefly consider with thankfullnes is: That God hath seperated you from the guilt of the crying blood of our Pious Souveraigne of ever blest memory:
But

But mistake not *Gentlemen* part of it will yet staine your garments if you willingly submit to those murderers hands that shed it: I tremble to thinke how the oathes they will impose will make those guilty of it, that have long abhor'd the traiterousnesse of the act: But I confesse having had so frequent testimonies of your truths and courages, I cannot have a reasonable suspition of any cowardly falling of from the former resolutions, and have onely mentioned this last, as a part of my duty and care of you, not of my reall doubts and fears: or if with untryed men we were to argue on this subject, what is it can be hoped for in a change, which we have not already? Is it liberty? The sun looks not on a people more free then we are from all oppression. Is it wealth? Hundreds of examples shew us that Industry & Thrift in a short time may bring us to as high a degree of it, as the Country and our Conditions are yet capable of: Is it security to enjoy this wealth when gotten? With out blushing I will speake it. I am confident there are lives not that person can accuse me of attempting the least act against any mans property? Is it peace? The Indians, God be blessed round about us are subdued; we can onely feare the *Londoners*, who would faine bring us to the same poverty, wherein the *Dutch* found and relieved us; would take away the liberty of our consciences, and tongues, and our right of giving and selling our goods to whom we please. But *Gentlemen* by the Grace of God we will not so tamely part with our King, and all these blessings we enjoy under him; and if they oppose us, do but follow me, I will either lead you to victory, or loose a life which I cannot more gloriously sacrifice then for my loyalty, and your security.

Vera Copia John Corker

Cler: Dom: Commons.

This speech being ended the pretended Act of Parliament was publicly read in the Assembly where upon (at the motion of the House of Commons to the Governour and Councill) this following vindication was unanimously agreed on.

We The Governour Councill and Burgeses of *Virginea*, have seene a printed paper bearing date at *London* the 3. of *Octob.* 1651. wherein (with other Plantations of *America*) we are prohibited trade and Commerce with all but such as the present power shall allow of: We likewise see our selves branded in it with the ignominious names of Rebels and Traitors, which we so much abhor, that we would detest our selves if we thought they were deservedly imposed on us: And shall take leave to thinke we are unworthily slandered, till stronger proofes then we yet find, are brought against us to convince our judgements and Consciences that we are guilty of those Horrid Crimes. Therefore though we professe that our judgments and industry, have been long solely and necessarily employed in providing against the necessities of our poore families, and by Consequence should not presume that any Act or Transaction of ours could be worthy the publique view: Yet since the plainest vindication of innocencie is accepted, we shall intimate the reasons of ours, imploring charitable and abler judgments to perfect what we shall hint to them in our answeres, to the Aspersions we find Authorised against us.

And *First* whereas they say, That the Plantations in *America* were seated at the Cost and established by the Authority of some in *England*, and therefore ought to be governed by the Lawes of *England*.

We conceive we may safely confesse all this, and yet not run the Hazard of any misprision of guilt, nay we thinke, this only testimony of theirs were sufficient to cleere us from the Aspersions of Rebels, and Traitors, if we had no other marks of innocency left us: For we say, we were some of us sent, others permitted to come hither by the gracious favour of our Pious Kings, sworne to governe, and be governed (as farr as possible the place was Capable of) by the Lawes of *England*; which lawes we have inviolably and sacredly kept as farr as our abilityes to execute and our Capacities to judge would permit us, and with reason; for these lawes onely in such times of tumults, stormes, and tempests, can humanely prevent our ruines: These lawes often enjoyned us the

Oathes

Oathes of Allegiance and Supremacy, and they tell us, that no power on earth can absolve or manumit us from our obedience to our Prince, and his lawfull successors: These lawes tell us that when we have don all we can to avoyd it, we may resist violence with force, and in a lawfull defence of our selves, destroy any that shall endeavour to take away our lives or substance: These lawes we professe are our guides and do beleve we deserve punishment and infamy if we willingly, or willfully deviate from them.

Secondly suppose we were such slaves by nature as to be awed with the iron rods held over us, in what hand soever found; would not then themselves thinke we deserved the worst usage could be inflicted on us. For what assurance could we give of our new Loyalty, after having so childishly, and impiously, relinquish't our old Allegance? Could we reasonably repine to pay with our owne sweat and blood, those Garrisons which must be kept among us, to fix such volatile obedience as ours would appeare to be? For as the Question is stated to us, we ought to yield to whosoever possesse themselves of *Westminster Hall*: Where we experimentally have found, the heads of divers factions and pretentions, have presided and excluded one the other; and we have no Oraculous assurance, but it may be so againe; therefore in a Condition so dubious and uncertaine, as ours would be (wherein no lesse then our soules are concern'd) we desire them to permit us simple men to take leave to follow the perspicuous and plaine pathes of God and our lawes, & that they would be pleas'd to remember that good charitable Axiome in them, That none should be condemned till they were first Heard.

Thirdly we are told of Great summes of money laid out on this Country: For all we have receav'd we are most thankfull: But surely it will be no evidence of ingratitude to say to whom we owe most, & this must needes be acknowledg'd to our Kings, who gave liberally themselves and permitted Lotteries to be erected for us: We confesse private adventurers added much, and might have enjoyed the fruit of it, If the first blow to the Colony, had not taken from them all hopes or desires of prosecuting that, which they so earnestly begun; But certainly what ever their liberality was, we should have avoided it more then our Rattle snakes, if it had inevitably made slaves, our selves, our wives, children, and Posterity. Since the Massacre onely private Marchants have adventured hither for private gaines, and we confesse have supplied us with that, which we could not well have wanted, but this we suppose would be no convincing argument to *France*, *Spaine*, or the *Low Countries*, for their subjection to *England* because these severall places have been thus furnish't by her. If then we owe any thing, it is to our Kings liberality, care, and protection, and we beseech you give us leave to pay our acknowledgement to them.

Fourthly we are told of usurping a Government to our selves. We wish we could transmit our recordes to the view of our accusers; By them it would appeare how little we deserve this imputation. For since the beginning of the Colony we have never innovated nor altred any thing in the maine of the Government: But in case we had done it, what more likely Patrons could we chuse, to protect us then those who accuse us? Grant we had banish'd, confin'd, imprison'd, condemn'd, and executed those that refuse to obey the lawes confirm'd by many consummated free Parliaments: would not those pardon and absolve us who have done the same to others that have refused to obey their edicts, whom they in their consciences beleve they ought not to acknowledge to be a Parliament? Yet the truth is, we have done none of these things, no man here ever suffer'd in his person or estate: Concerning the differences in *England*, our lawes keepe them in better awe then to dare to speak against the Protector of them: 'Tis true indeed Two Factionous clergy men, chose rather to leave the Country then to take the Oathes of Allegance, and Supremacy, and we acknowledge that we gladly parted with them.

Having answered these accusations, we appeale even to their owne judgments that produced them whether we deserve those hatefull names of Rebels and Traitors: But we believe they will still use them to us and others because those Lucky Bugbeares of Rebels, and Malignants, have frighted divers to the desertion of honest causes: Yet
being

being (as we suppose in their owne consciences) free from these imputed crimes, (though very short sighted in such subtle matters) we thinke we can easily find out the cause of this excluding us the society of Nations, which bring us necessaries for what our Country produces: And that is the Avarice of a few interested persons, who endeavour to rob us of all we sweate and labour for: Therefore on the whole matter we Conclude: We are resolv'd to Continue our Allegiance to our most Gracious King, yet as long as his gracious favour permits us, we will peaceably (as formerly) trade with the *Londoners*, and all other Nations in amity with our Sovereigne: Protect all forraigne Merchants with our utmost force from injury in the rivers: Give letters of Reprifall to any injured within our Capes: Allwaies pray for the happy restauration of our King, and repentance in them, who to the hazard of their soules have opposed him.

This is unammously consented to by the Governor, Councill and Burgesies

Teste

Ro: Huberd Cl: Cons:

Johan Corker Cl: Dom: Com:

ARTICLES.

AT THE SURRENDER OF THE COUNTRIE.

[*March 12, 1651/52.*]

ARTICLES agreed on and concluded at *James Cittie* in *Virginia* for the furrendering and settling of that plantation vnder the obedience and government of the Common Wealth of *England*, by the commiſſioners of the Council of State, by authoritie of the Parliament of *England* and by the Grand Affembly of the Governour, Council and Burgeſſes of that countrey.

First, It is agreed and conſt'ed that the plantation of *Virginia*, and all the inhabitants thereof, ſhall be and remaine in due obedience and ſubjection to the common wealth of *England*, according to the lawes there eſtabliſhed, And that this ſubmiſſion and ſubſcription bee acknowledged a voluntary act not forced nor conſtrained by a conqueſt vpon the countrey, And that they ſhall have and enjoy ſuch freedomes and priviledges as belong to the free borne people of *England*, and that the former government by the comiſſions and inſtructions be void and null.

2dly. Secondly, that the Grand Affembly as formerly ſhall convene and tranſact the affairs of *Virginia*, wherein nothing is to be acted or done contrarie to the government of the common wealth of *England* and the lawes there eſtabliſhed.

3dly. That there ſhall be a full and totall remiſſion and indemnitie of all acts, words or writeings done or ſpoken againſt the parliament of *England* in relation to the ſame.

4thly. That *Virginia* ſhall have and enjoy the antient bounds and lymitts granted by the charters of the former Kings, And that we ſhall ſeek a new charter from the parliament to that purpoſe againſt any that have intrencht vpon the rights thereof.

5thly. That all the pattents of land granted vnder the collony ſeale, by any of the precedent Governours ſhall be and remaine in their full force and ſtrength.

6thly. That the priviledge of haveing fiftie acres of land for every perſon transported in the collony ſhall continue as formerly granted.

7thly. That the people of *Virginia* have free trade as the people of *England* do enjoy to all places and with all nations according to the lawes of that common wealth, And that *Virginia* ſhall enjoy all priviledges equall with any *Engliſh* plantations in *America*.

8thly. That *Virginia* ſhall be free from all taxes, cuſtomes and impoſitions whatsoever, and none to be impoſed on them without conſent of the Grand Affembly, And ſoe that neither fforts nor caſtles bee erected or garrifons maintained without their conſent.

9thly. That noe charge ſhall be required from this country in reſpect of this preſent fleet.

10thly. That for the future ſettlement of the countrey in their due obedience, the engagement ſhall be tendred to all the inhabitants according to act of parliament made to that purpoſe, that all perſons who ſhall reſuſe to ſubſcribe the ſaid engagement, ſhall have a yeares time if they pleaſe to remove themſelves, and their eſtates out of *Virginia*, and in the meantime during the ſaid yeare to have equall juſtice as formerly.

11thly. That the uſe of the booke of common prayer ſhall be permitted for one yeare enſueinge with reference to the conſent of the major part of the pariſhes, Provided that thoſe things which relate to kingſhipp or that government be not uſed puliquely; and the continuance

continuance of ministers in their places, they not misdemeaning themselves: And the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand during this ensuing yeare.

12thly. That no man's cattell shall be questioned as the companies vnles such as have been entrusted with them or have disposed of them without order.

13thly. That all amunition, powder and arms, other then for private vse shall be delivered vp, securitie being given to make satisfaction for it.

14thly. That all goods allreadie brought hither by the *Dutch* or others which are now on shoar shall be free from surprizall.

15thly. That the quittrents granted vnto vs by the late Kinge for seaven yeares bee confirmed.

16thly. That the commissioners for the parliament subscribing these articles engage themselves and the honour of the parliament for the full performance thereof: And that the present Governour and the Councill and the Burgeffes do likewise subscribe and engage the whole collony on their parts.

Rich: Bennett, Seale.

Wm. Claiborne, Seale.

Edmond Curtis, Seale.

These articles were signed and sealed by the commissioners of the Councill of State for the Common Wealth of *England*, the twelveth day of *March*, 1651.

Articles for the surrendring *Virginia* to the subjection of the Parliament of the Common wealth of *England*, agreed vpon by the honourable the Commissioners for the Parliament and the hon'ble the Governour and Councill of State.

First, That neither Governour nor councill shall be obliged to take any oath or engagement to the Common-Wealth of *England* for one whole yeare And that neither Governour nor Councill be censured for praying for or speaking well of the King for one whole yeare in their private houses or neighbouring conference.

2dly. That there be one sent home at the present Governour's choice to give an accompt to his Ma'tie of the surrender of his countrey, the present Governour bearing his charges, that is *Sr William Berkeley*.

3dly. That the present Governour, that is *Sr William Berkeley* and the Councill shall have leave to sell and dispose of their eitates, and to transporte themselves whether they please.

4thly. That the Governour and Councill though they take not the engagement for one whole yeare shall yet have equall and free justice in all courts of *Virginia* vntill the expiration of one whole yeare.

5thly. That all the Governour's and Councill's land and houses, and whatsoever belongeth to them bee perticularly secured and provided for in these articles.

6thly. That all debts of the Governour's by act of assembly, and all debts due to officers made by the Assembly bee perfectly made good to them. And that the Governour be paid out of the goods remaining in the countrey of the *Dutch* ship that went away cleer for *Holland* without paying his customs.

7thly. That the Governour may have free leave to hire a shipp for *England* or *Holland* to carrie away the Governour's goods, and the Councill's, and what he or they have to transporte for *Holland* or *England* without any lett * * * or any molestation of any of the State's shippes att sea or in their rivers or elsewhere by any of the shippes in the common wealth of *England* whatsoever.

8thly. That the Capt of the fforte be allowed satisfaction for the building of his house in fforte island.

9thly. That all persons that are now in this collonie of what quality or condition soever that have served the King here or in *England* shall be free from all dangers, punishment or mulkt whatsoever, here or elsewhere, and this art'e. as all other articles bee in as cleer termes as the learned in the law of arms can exprefs.

10thly.

10thly. That the same instant that the commissions are resigned an act of indemnitie and oblivion be issued out vnder the hands and seales of the commissioners for the parliament, And that noe persons in any courte of justice in *Virginia* be questioned for their opinions given in any causes determined by them.

11thly. That the Governour and Councill shall have their passies to go away from hence in anie shipp in any time within a year: And in case they goe for *London* or other place in *England* that they or anie of them shall bee free from anie trouble or hindrance of arrests or such like in *England*, and that they may follow their occasions for the space of six monthes after their arrivall.

Rich: Bennett, Seale.

Wm. Claiborne, Seale.

Edmond Curtis, Seale.

Theise articles were signed, sealed, sworne vnto by vs the commissioners for the parliament of the common wealth of *England*, the 12th day of *March*, 1651.

An Act of Indemnitie made at the Surrender of the Countrey.

WHEREAS by the authoritie of the parliament of *England*, wee the commissioners appointed by the Councill of State authorized thereto having brought a fletee and force before *James Cittie* in *Virginia* to reduce that collonie vnder the obedience of the commonwealth of *England*, and finding force raised by the Governour and countrey to make opposition against the said fletee, whereby assured danger appearinge of the ruine and destruction of the plantation, for prevention whereof the Burgesies of all the severall plantations being called to advise and assist therein, vpon long and ferious debate, and in sad contemplation of the greate miseries and certaine destruction, which were foe neerly hovering over this whole countrey; Wee the said commissioners have thought fitt and condescended and granted to signe and confirme vnder our hands, seales and by our oath, Articles bearinge date with theise presents, And do further declare, That by the authoritie of the parliament and common wealth of *England* derived vnto vs their commissioners. That according to the articles in generall, Wee have granted an act of indemnitie and oblivion to all the inhabitants of this colloney, from all words, actions or writings that have been spoken, acted or writt against the parliament or commonwealth of *England* or any other person from the beginning of the world to this daye, And this we have done, That all the inhabitants of the collonie may live quietly and securely vnder the comon-wealth of *England*, And wee do promise that the parliament and common-wealth of *England* shall confirme and make good all those tranfactions of ours, Witnes our hands and seales this 12th day of *March*, 1651.

Richard Bennett, Seale.

Wm. Claiborne, Seale.

Edm. Curtis, Seale.

[Some of the Proceedings of the Grand Assembly, April-May, 1652.]

The oath administred to the Burgeesses:

YOU and every of you shall swear vpon the holy Evangelist, and in the sight of God to deliver your opinions faithfully and honestly, according to your best vnderstanding and conscience, for the generall good and prosperitie of this country and every perticular member thereof, and to do your vtmost endeavor to prosecute that without mingling with it any perticular interest of any person or persons whatsoever.

John Corker, Cl. Dom. Com.

James City, the 30th Aprill, 1652.

AFTER long and ferious debate and advice taken for the settling and governing of *Virginia*, It was vnanimously voted and concluded, by the commissioners appointed here by authority of parliament and by all the Burgeesses of the severall countys and plantations respectively, vntill the further pleasures of the states be knowne: That Mr *Richard Bennett*, Esq. be Governour for this ensuing yeare, or vntill the next meeting of the Assembly, with all the iust powers and authorities that may belong to that place lawfully: And likewise that Collo. *William Claiborne* be Secretarie of State, with all belonging to that office, and is to be next in place to the Governour, next that the Council of State be as followeth, (*vizt.*) Capt. *John West*, Col. *Sam. Mathews*, Coll. *Nathaniel Littleton*, Coll. *Argoll Yearly*, Coll. *Tho. Petrus*, Coll. *Humph. Higgison*, Coll. *George Ludlow*; Coll. *Wm. Barnett*, Capt. *Bridges Freeman*, Capt. *Tho. Hurwood*, Major *Wm. Taylor*, Capt. *Francis Epps*, and Leiv'tt. Coll. *John Cheesman*, and they shall have power to execute and do right and equall justice to all the people and inhabitants of this collony according to such instructions as they have or shall receive from the Parliament of *England* and according to the knowne lawe of *England*; And the acts of Assembly here established; And the said Governour, Secretary and Council of State are to have such power and authorities and to act from time to time, as by the Grand Assembly shall be appointed and granted to their severall places respectively for the time abovesaid: of which all the people which inhabit or be in this country are hereby required to take notice and accordingly conforme themselves therevnto. God save the Common-Wealth of *England* and this countrey of *Virginia*.

May 2d, 1652.

IT IS resolved That the commissioners of the severall counties be chosen by the House with this proviso, That if any iust complaint be proved against any chosen they shall be suspended the next session of Assembly.

May 5th, 1652.

IT IS agreed and thought best for the government of this country by the Governor, Council and Burgeesses that the right of election of all officers of this colony be and appertain to the Burgeesses the representative of the people, and it is further agreed for the present by the Burgeesses in remonstrance of the confidence that they have in the said comm'rs. that the present election of all officers not already constituted be referred to the said Governor and commissioners and that this their election be not presidential to any succeeding Assembly.

May

May 6th, 1652.

WHETHER the Governour and Council shall be members of this Assembly or no: Generally voted they shall be, taking the oath the Burgeffes take.

[From the *Virginia Magazine of History and Biography*, VIII, 386, 387.]

THE humble petition of *John Carter* Sheweth That whereas y^r petitioner hath been hindred from the feating of a dividint of Land in *Rappahannock* River (even untill the pattent is almost void for not feating it.) By an order Extra-judicially granted ag^t y^r Petitioner: And whereas y^r petitioner through great losse by fire is also now disabled to feate the said land so suddenly as the first of *September*, at which time the pattent is void, the land not being feated, & the Indians also being difficultly removed in soe short a space. Yo'r petitioner therefore humbly desireth that the said pattent be not void for not feating the said Land untill two years after *Christmas* next, in which time the Indians may remove. Yo'r petitioner paying unto them as great satisfaction as they received of others for such a proportion of land. And so shall yor. Petitioner pray.

This petition is granted—May ye 6, 1652.

Jno. Corker, Cl. Dom. Com.

[Resolutions of the Grand Assembly beginning the 25th of November, 1652.]

THE voats of the whole Assembly in the businefs follow:

It is ordered by the authoritie aforesaid, That the south side of *Ocquanocke* Creeke in the county of *Northampton* and so vpwards be a peculiar parish and called by the name of *Ocquanocke* Parish.

It is ordered that *Mr George Fletcher* shall have to himself, his heirs, ex'rs. and adm'rs. liberty to distill and brew in wooden vessels which none have experience in but himself for 14 years, and it is further ordered that no person or persons whatsoever shall make vse thereof within this collony without agreeing with the said *Mr Fletcher* under the penalty of 100 pounds *sterl.*

Wee find *Mr John Hammod* returned a Burgesse for the lower parish of the *Isle of Wight*, to be notoriously knowne a scandalous person, and a frequent disturber of the peace of the country, by libell and other illegall practices; and conceive it fitt he be expelled the house, and that a warrant issue to the sherriffe of the said county, for the election of another Burgesse in his roome.

Wee conceive it fitt, that *Mr James Pyland*, returned Burgesse for the vpper parish of the *Isle of Wight*, be remooved out of the house, And that he stand committed to answer such things as shall be objected against him, as an abettor of *Mr Thomas Woodward* in his mutinous and rebellious deciaration, And concerning his the said *Mr Pyland* blasphemous catechisme.

It is ordered by the Grand Assembly, that the plantation of *Mr Thomas Stagg* scituate on the *Old man's* Creek shall be within the bounds of *Westover* parish and pay all duties there that are now due and *de futuro*.

Whereas *Chr: Boyse* by appeale from the Governour and Councill the last court impleaded *Coll. Hugh Gwinne* before this Grand Assembly about certain land in *Pyan-catannk* River, The Assembly vpon perusal of their severall pattents and grants, doe finde prioritie of title for the said *Gwinne*, according to former orders in the government of *Sr William Berkeley*, Knt. and the last quarter court, And the plt. & defendant to beare theire owne charges.

In the difference between *Mr Peter Ranson*, plt. and *John Hewett* and *Wm. Holder*, defend'ts. *It is ordered by this Grand Assembly* that *Mr Peter Ranson's* pattent shall stand good for 1100 acres of land in *Mock-Jack* bay, And that *Hewett* and *Holder* be outed and decline the possession till it be made appeare void by some that shall make better right appeare. It now appearing that none pretending to it in the right of *Dawber* have power to question his title; 100 lb. of tob'o. being allowed him for costs from each of them (*vizt.*) 100 lb. of tobacco from *Holder*, and 100 lb. of tobacco from *Hewett*, alias execution.

It is ordered by the Grand Assembly, that *Mr Peter Ranson* shall have and enjoy 1100 acres of Land in *Mock-Jacks* bay of the *North River* of *Mock-Jacks* bay on the easterne side thereof, and the other 500 acres being granted to *Mr Wm. Whitby* being the first grantees by this Assembly.

It is ordered by the Assembly that all those that are in actual possession of the 2400 acres of the land claymed by *Edmund Dawber* shall not be dispossessed of the land they so hold by any, except by the said *Dawber* if he proove his title to bee justest the said 2400 acres being granted to *Mr William Daymes*, if *Mr Dawber* enjoy it not.

It

It is ordered by the Assembly, That the inhabitants of *Appamattock* River shall have power to keep courts according to the fence of the Act of Assembly for courts in the like nature, to hear and determine all differences within the said parish, which said court is to be kept by the commissioners residing in the said parish of *Bristol*, and they to take place respectively as by act of Assembly they are nominated; appeals lying from this court to either *Henrico* county or *Charles City* county court, as also to have power to treat with the Indians according to act.

It is ordered with the unanimous opinion of this house, That the Governour and council shall appoint commissioners in each county respectively upon the recommendation of the persons from the commissioners of the severall county courts, as they see cause to allow such recommendations.

It is ordered by the Grand Assembly, That the commissioners of the severall counties respectively have power to examine the lists of the tythables of the said countyes, and where they find them not to be fully taken, to lay a fine upon the sheriff or them that took the lists, as they shall think fitt, and such further punishment as by the Assembly is provided.

Whereas an act was made in the Assembly, 1642, for Encouragement of discoveries to the westward and southward of this country, granting them all profits arising thereby for 14 years, which act is since discontinued and made void; *It is by this Assembly ordered,* That Coll. *Wm. Clayborne*, Esq. & Capt. *Henry Fleet*, they and their associates with them either jointly or severally, May discover and shall enjoy such benefitts, profits, and trades, for 14 years as they shall find out in places where no *English* ever have bin and discovered, nor have had particular trade, and to take up such lands by patents proving their rights as they shall think good: Nevertheless not excluding others after their choice from taking up lands, and planting in these new discovered places, as in *Virginia* is now used.

The like order is granted to Major *Abra. Wood* and his associates.

[Some of the Proceedings of the 1653 session.]

Gentlemen,

NOT to intrench vpon the right of Assemblies in the free choice of a speaker, nor to vndervalue Left. Coll. *Chiles*, but onely by way of advice, It is my opinion, the Council likewise concerning [concurring] therein, That it is not so proper nor so convenient att this time to make choice of him for that there is something to be agitated in this Assembly concerning a shipp lately arrived, in which Left. Coll. *Chiles* hath some interest, for which and some other reasons we conceive it better at present to make choice of some other person amongst you whom you shall agree vpon.

Your reall servant

Rich. Bennett.

July the 5th, 1653.

Vera copia,

John Corker, Cl. to the Burgeses.

The oath administred to the Burgeses for this present Assembly.

You shall swear to act as a Burgesse for the place you serve for in this Assembly, with the best of your judgment and advice, for the generall good, not mingling with it any perticular or private interest.

This oath was taken by the Burgeses in the prefence of Coll. *Thomas Pettus* and Coll. *Humphrey Higgison*, this 5th July, 1653.

Teste

Robert Huberd, Cl. Confilii.

It is ordered, that Lev'tt. Coll. *Edward Major*, Lev't. Coll. *Geo. fletcher*, M^r *William Hockaday* and M^r *William Whitby*, attend the Governor and Council, to request of them their reasons, wherefore they cannot joyne with vs the Burgeses in the busines of this Assembly, about the election of Lev't. Coll. *Walter Chiles* for Speaker of this Assembly.

Left. Coll. *Walter Chiles* haveing by plurality of votes been chosen Speaker of this Assembly: And this day representing to the house his extraordinarie occasions in regard of the dispatch of some shipping now in the country in which he is much interested and concerned, The house vpon his desire have given him leave to follow his private affairs notwithstanding the election aforesaid.

It is ordered by this present Grand Assembly, That M^r *Robert Bracewell*, Clarke, be suspended, and is not in a capacite of serving as a Burgesse, since it is vnpresidentiall, and may produce bad consequence.

[From the *Virginia Magazine of History and Biography*, XVII, 121-127.]

ACHARGE * * * against Captain *Abraham Read* [words illegible]. Since his last Arrival in *Virginia* hath behaved himself Contemptuously to the disturbance of the peace of the Governor and Government of this Colony settled by Authority of Parliament.

That the said *Read* said that he could and would by his own Commission command Lieut. Coll. *Cornelius Loyd* and not only him but his General meaning the Governor who is stiled Captain General of *Virginia*.

That

That the said *Abraham Read* taxed the Governor that he had done so much [words illegible] the *Spanish Flemmings* meaning the two Ships lately arrived from *Dunkirk Ostend* and that he would be called home into *England* and there they would deal well enough with him.

That the said *Abraham Read* contemptuously vaunted that if he had been below he would have shot too against the Ship wherein the Governor was as the other three Ships did and would have sunk her for wearing the *Spanish Colours* in the main top notwithstanding the Governor's being there or else she should have sunk him.

That the said *Read* falsely and injuriously taxed the Government with supplying the Utter Enemies of the Commonwealth of *England* and that he could make it Appear with many other Agitations to that purpose.

That the said *Read* said that if he had been below he would have disobeyed the Governor's Warrant as he heard Captain *Pott* had done.

That the said *Read* hath injuriously utter'd in Discourse that no foreigners ought to have trade in *Virginia* Which [illegible] is Contrary to Act of Parliament for the Increase of Navigation and the Articles granted upon the Surrender of this Colony to the Obedience of the Parliament.

That the said *Read* being told that the Captain & Merchant of the *Dunkirk* Ship had carried their Commissions and Cocquets to the Governor Said what have they to do to carry them to the Governor they should have brought them unto us Captain *Gunnell* being then in Company and saying the Same.

That Charge and everything therein contained according to the several Articles is acknowledged by me *Abraham Read* to be true and Just. I confessing myself guilty of them Do humbly refer myself to the merciful censure of this Assembly.

Abraham Read.

This Acknowledgment made in Open Assembly this 7th July, 1653.

Whereas Captain *Abraham Read* has since his last arrival in this Colony behaved himself very Contemptuously to the Disturbance of the peace of the Government and Governor of this Colony Settled by Authority of Parliament and being brought to answer his Charge read unto him having Confessed himself Guilty in every particular and acknowledged under his hand. *It is therefore Ordered* that the said Captain *Abraham Read* Do forthwith pay as a fine for his Contempt and misdemeanor ten thousand pounds of Tobacco and cask and put in good Security for his good Behaviour in this Colony and untill the performance of this Order to stand Committed to the Sheriff of *James City* County.

To the Honourable Governor, Council and Burgeesses Asssembled, &c. *Abraham Read* humbly presenteth.

That Whereas the petitioner was imprisoned and fined for some Offences, by your Honour and Worships which he hath Already Ingenuously acknowledged before you & to the perpetrating whereof he was only moved with the Languages of others and not with the least thoughts of Malignity intents in himself.

Wherefore having heretofore humbly acknowledged Submitted and desired Your Honour and Worships free. He Yet humbly reimplores your Clear Considerations of the great Meekness of Humanity how that Passion is or Man be Stirred up which your petitioner is now sorry for and that your honours and Worships would also be pleased to look upon more Clemency the Rigour in regard to the Petitioner and his Wife and Children are now fitter Objects of Pity than Punishment and be pleased to remit the fine imposed on the Petitioner.

And he shall pray &c.

To the Right Honourable *Richard Bennett* Esq'r Governor and Captain General with the Honourable Council of State.

The Humble petition of *Edward Gunnell* Presenteth—

That Whereas your Honours have been informed that Something hath been said and Acted by your humble Petitioner that hath been taken as high Disobedience to the
just

just power of this Government and whereas your Honours have been graciously pleased to afford your petitioner both Means and time to answer the said Delinquents he now presenteth his humble Adresses to your Honor's feet, publickly declaring that whatsoever hath been said or Done in Offence to your Honours of the Government here Established your Petitioner confesseth himself to be heartily and penitently Sorry for and doth in all humility crave your Honour's Pardon Your Petitioner faithfully promising and obliging himself never hereafter to Abuse nor Offend any person from the highest to the lowest within this Government.

He therefore craveth in your Christian and Gracious Mercies that he may be released from the aforesaid Charge and he shall ever pray &c.

Edw'd Gunnell.

The Deposition of *Samuel Taylor*, aged 38 Years or thereabouts Examined and Sworn. Saith—

That this Deponent by Warrant Arresting Captain *Thomas Wilson* Captain *Hugh Wilson* and Captain *John Pegro* to answer to such Objections as should be asked against them before the Governor and Council which power they rejected deriding it with Laughter and Scorn Saying who could fetch them out of their Ships Whereupon this Deponent demanded of the said Parties being Masters of Ships the Castle duties they answered they would not pay any for they knew not any that had Power to demand it for they had orders from their owners to the Contrary.

Samuel Taylor.

Juratus in Curia, 10th July, 1653.

Test: *John Corker*,

Clerk to the Burgeesses.

July 12, 1653. By the Unanimous Opinion of the House of Assembly. It is ordered that *John Baldwin* shall have and keep his place.

John Corker,

Clerk to the Burgeesses.

13, July, 1653.

Coll. *Francis Yeardley* this day entered his Caveat of Information against *David Cardoon* according to the Act of Coll. *William Clayborn* Esq'r hath shewed President.

Francis Yardley.

[Public Levy, 1653.]

Northampton County—

500 Tithables at 22 lb. Ⓕ poll,	11,200
To 100 lb. of Powder at 12 lb.,	1,200
To 245 of Shot at 2,	490
	<hr/>
	12,890
To pay to Mr <i>Patten</i> , dance, &c.,	00,368
To Mr <i>John Batt</i> ,	01,000
To Captain <i>John West</i> ,	10,000
To Mr <i>John Corker</i> ,	01,043
To Sallary,	01,379
	<hr/>
	13,790

Charles City County—

532 Tithables at 22 Ⓕ poll,	11,704
To 50 lb. of Powder at 12 lb.,	00,600
To 100 lb. of Shot at 2,	00,200
	<hr/>
	12,504
To pay to <i>Howel Price</i> , Clerk,	00,876
To the Honourable Sir <i>Wm.</i>	
<i>Berkeley</i> , Kn't,	10,358
To Sallary,	01,248
	<hr/>
	12,482

Elizabeth

Elizabeth City County—

395 Tithables at 22 p poll,	08,690
To 100 lb. Powder at 12 lb.,	01,200
To 170 lb. of Shot at 2 lb.,	340
	<hr/>
	10,230
To pay Sir <i>Wm. Berkeley</i> ,	
Knight,	09,207
To Sallary,	01,023
	<hr/>
	10,230

Isle of Wight County—

673 Tithables at 22 p poll,	14,806
To 100 lb. of Powder at 12 lb.,	01,200
To 270 lb. of Shott at 2 lb.,	540
	<hr/>
	16,546
To pay to Coll. <i>Sam'l.</i>	
<i>Mathews</i> ,	14,891
To Sallary,	01,655
	<hr/>
	16,546

Gloster County—

367 Tithables at 22 p poll,	08,074
To 100 lb. of Powder at 12 lb.,	01,200
To 200 lb. of Shott at 2 lb.,	00,400
	<hr/>
	09,674
To pay Lieut. Coll. <i>John Walker</i> ,	
Affign of <i>Christopher Boyce</i> ,	00,200
To Lieut. Coll. <i>Sam'l.</i>	
<i>Mathews</i> ,	08,503
To Sallary,	00,967
	<hr/>
	09,670

Surry County—

518 Tithables at 22 lb. p poll,	11,396
To 100 lb. Powder at 12 lb.,	01,200
	<hr/>
	12,596
To pay <i>John Phip</i>	
& <i>Will Harris</i> ,	09,000
To Mr <i>John Corker</i> ,	02,336
To Sallary,	01,260
	<hr/>
	12,596

Northumberland County—

450 at 22 lb. p poll,	09,900
To 100 lb. of Powder at 12 lb.,	01,200
To 150 lb. Shot at 2 lb.,	00,300
	<hr/>
	11,400
To pay to Coll. <i>Sam'l.</i>	
<i>Mathews</i> in full for his	
Sum of 71,280 lb. To-	
bacco,	03,451
To <i>Hopkin Powel</i> ,	00,377
To <i>Christopher Boyce</i> ,	03,800
To Coll. <i>Wm. Clayborn</i> ,	02,500
To Mr <i>Hope</i> ,	00,132
To Sallary,	01,110
	<hr/>
	11,370

[From *Hening's Statutes at Large*, I, 380-385.]

WHEREAS the paper subscribed by name of the inhabitants of *Northampton* countie is scandalous and seditious and hath caused much disturbance in the peace and government of that county, *It is therefore ordered* by this present Grand Assembly, That all the subscribers of the said paper bee disabled from bearing any office in this countrey, and that Leift. *Edmund Scarbrough* who hath been an assistant and instrument concerning the subscribing of the same bee also disabled from bearing any office vntill he hath answered therevnto, and the honourable Governour & Secretarie be intreated to go over to *Accomack* with such assistants as the house shall think fitt, for the settlement of the peace of that countie, and punishinge delinquents. [This order reverfed by an order of Assembly, 26th *March*, 1658.]

The order of the last Assembly in the busines relateing to land in *York River* desired by *Tottopotomoy*, as information by some perticular members of this Assembly is now represented, is ordered to be and remaine in force as formerly, Provided he lives on the same; but if he leaves it then to devolve to Coll. *William Clayborne*, according to former orders which gave him libertie to make his choice, whether he would have *Ramomak*, or the land where now he is seated. and that he appear in person before the Governor and Council to make his choice the next quarter courte which of the two seates he will hold, and Capt. *John West*, and M^r *William Hockaday* are enabled to give a safe conduct to the said *Tottopotomoy* and his Indians for their coming to towne and his returne home, And the commissioners of *York* are required that such persons as are seated vpon the land of *Pamunkey* or *Chickahominy* Indians be removed according to a late act of Assembly made to that purpose, And Coll. *John Fludd* to go to *Tottopotomoy* to examine the proceedings of busines and to deliver it vpon his oath.

Vpon the petition of *Roger Green*, clarke, on the behalfe of himselfe, and inhabitants of *Nansemund river*, *It is ordered by this present Grand Assembly* that tenn thousand acres of land be granted vnto one hundred such persons who shall first seate on *Moratuck* or *Roanoake* river and the land lying vpon the south side of *Choan* river and the branches thereof, *Provided* that such seaters settle advantageously for security, and be sufficiently furnished with amunition and strength, *And it is further ordered by the authority aforesaid*, That there be granted to the said *Roger Green*, the rights of one thousand acres of land, and choice to take the same where it shall seem most convenient to him, next to those persons who have had a former grant in reward of his charge, hazard and trouble of first discoverie, and encouragement of others for seating those southern parts of *Virginia*.

Whereas diverse gentlemen have a voluntarie desire to discover the Mountains and supplicated for lycence to this Assembly, *It is ordered by this Assembly*, That order be granted vnto any for soe doing, *Provided* they go with a considerable partie and strength both of men and amunition.

It is ordered by this present Grand Assembly that the bounds of the county of *Westmorland* be as followeth (vizt.) ffrom *Machodoke* river where M^r *Cole* lives: And so vpwards to the falls of the great river of *Pawtomake* above the *Necostins* towne.

Vpon the humble petition of *John Claxson* an old *Virginian*, and the testimony of the commissioners of the countie of *Yorke* where hee lived of the great losse he sustained by fire to his vtter vndoeing, not able to maintain himselfe and five children, The Grand Assembly duely weighing his distressed estate hath granted him the said *Claxson*, an order as a brieve to gather the charitable benevolence of well disposed persons. The like also is granted vnto *Thomas Bagwell* of the *Ile of Wight* county and to *Richard New* of *James Cittie* county.

It is ordered by this Grand Assembly that the commissioners of *Gloster* and *Lancaster* countys are strictly required forthwith to proportion the Indians inhabiting in the said counties their severall tracts of land according to an act of the last Assembly in that case made, and to sett and assigne them such places and bounds to hunt in as may be convenient, both for the inhabitants and the Indians, whereby the severall stocks of the *English* may be preserved.

An act of indemnitie is granted for all such as have lent gunns to the Indians, and if any person shall hereafter offend and justly prooved against him, he or they so offending shall suffer severely according to act in that case provided, other counties to have the same priviledge.

It is ordered by this present Grand Assembly that the castle duties shall be recovered by any refractory person's denying the payment thereof as hath formerly bin accustomed by way of action in any courte or attachment of their goods and estates to that value.

It is ordered by this present Grand Assembly upon the petition of *Paulus Maeshouck*, servant to *Abraham Van Susteren*, merchant of *Dunkirk*, that part of the goods forfeited belonging to his said master is remitted.

Upon the petition of *Leit. Coll. Walter Chiles*, *It is ordered by this present Grand Assembly* that the ship *Leopaldus* now adjudged forfeited and consigned unto him that he the said *Chiles* should have the said ship according as she hath been appraised being £400 sterling.¹

Upon petition of the comm'rs. of the *Ile of Wight* county concerning the recovery of diverse arrears of country and county levies yet unsatisfied since 1644 and the lists not recorded through the delinquency of the Clk. of that county, *It is ordered by this present Grand Assembly* that such persons as have been sheriffs or collectors of the said levies since 1644 and are now living forthwith bring in their sev'l. lists and accounts respectively unto the said county court, and that such persons as have been delinquent in paying the said arrears or detaining of them in their hands be responsible for the same and upon default or denial to be recovered by distress and the parties that have paid the same be discharged from further molestation. And as for those sheriffs or collectors that are dead their estates are to be responsible for what shall appear due from them under their hands.

It is ordered that *Nath. Battison* stand committed into the custody of the sheriff of *James City* until he hath satisfied *Dep: Webster* eight beaver skins and an otter skin for a gun which he bought a board the ship *Duke Byren*.

According to an order of this Assembly, vpon the petition of *Coll. Nathaniel Littleton*, *Coll. Argoll Farley*, *Major William Andrews*, and some other commissioners of *Norhampton* county, *Master Speaker*, *Left. Coll. Edward Major*, *Left. Coll. Geo. Fletcher*, *Coll. Thomas Dew* and *Left. Coll. Rob't Pitt* are nominated as assistants to attend the Governour and Secretarie for the settlement of the peace of that county, and the punishment of delinquents there according to their demerits, the appointment of all officers both for peace and warr, the division of that county, and the hearing and determining of the businesse of damages between *Capt. Daniel How* and *Left. Coll. Edm'd. Scarbrough*, As also between *Capt. John Jacob* and the said *Edmund Scarbrough*, with all other matters and things necessary and incident for the preservation of the peace of that place, for which this shall be their commission, The charges which the said commissioners shall be at, both in going staying there & returneing, to be levied vpon those persons that occasioned their repair thither.

Whereas *Sr William Berkeley*, Kn't. vpon the deliverie vp of the countrey to the government of the Comon-Wealth of *England*, had granted vnto him by articles, that he should have a shipp to transport him to *England* or *Holland*, and whereas the present warr with the *Vnited Provinces* hath hindred the confirmation of the said articles in *England*, or the coming of a shipp out of *Holland*: And the said *Sr William Berkeley* desireing longer time (vizt.) eight monthes from the date hereof to procure the said shipp out of *flanders* in respect of the warrs with *Holland*, and that she may be custom free for such tobacco as he shall lade in her; After debate thereof in the Assembly, *It is condescended* that his said request shall be granted, and he may accordingly within eight months procure a shipp out of *flanders* for the purpose in his said articles expressed.

Whereas the ship *Leopoldus* of *Dunkirk*, for the importation of prohibited goods contrary to the act of Parliament, for the encrease of navigation, has been adjudged forfeited

¹For bill of sale, see the Appendix to this volume.

fforfeited, with her tackle, apparel, and ffurniture to this country, ffior the use of the Comon-Wealth of *England*, and appraised at four hundred pounds *sterling*, This Affsembly upon confideration thereof had her difposed of the fame as ffolloweth, (*vizt.*) two hundred and ffifty pounds to our agent Coll. *Sam. Mathews* and one hundred pounds to Coll. *William Clayborne*, fec. thirty pounds to the fpeaker, ten pounds to Coll. *Cornelius Loyd*, and ten pounds to Major *Billingsley* for their feveral services done to the country in the faid bufinefs.

It is ordered by this present Grand Affsembly that Nathaniel Battfon for many misdemeanors & a common defame apparantly true fhall receive forthwith fifteen stripes on the bear back and for ever hereafter not to go or trade amongst the Indians and in cafe of default to receive further punifhment by whipping and perpetuall banifhment.

Rich'd Bennett.

Wm. Whittbey, Speaker

[Some of the Proceedings of the 1654 Session.]

WHEREAS Coll. *Edward Hill* vnanimously chosen speaker of this house was afterwards maliciously reported by *William Hatcher* to be an atheist and blasphemous according to an information exhibited against him the last quarter court, from which the honourable Governour and Council then cleered the said Coll. *Edward Hill* and now certified the same vnto the house: And for asmuch as the said *Wm. Hatcher*, notwithstanding he had notice given him of the Governour and Councils pleasure therein and of the said Coll. *Hill's* being cleered as afforesaid, hath also reported, That the mouth of this house was a Devil, nominateing and meaning thereby the said Right Worp^{ll}. Coll. *Edward Hill*, *It is therefore ordered by this house*, that the said *William Hatcher*, vpon his knees, make an humble acknowledgement of his offence vnto the said Coll. *Edward Hill* and Burgeses of this Assembly; which accordingly was performed and then he the said *Hatcher* dismist paying his fees.

It is ordered by the Assembly that the comissioners of the militia and the comissioners of the respective counties shall at the next sessions of this Assembly in *March* give in an account of the 6 lb. of tobacco per pole lately levied for powder and shott for the vse of each county, and what other powder and shott shall be in their custody belonging to the county.

It is ordered that the vpper part of *Yorke* county shall be a distinct county called *New Kent*, from the west side of *Scimino* creek to the heads of *Pomunkey* and *Mattaponie* river, and downe to the head of the west side of *Poropotanke* Creeke.

From the head of the north side of *Queen's* creeke as high as to the head of *Scimino* creeke is made a distinct parish named *Marston* ordered by this Grand Assembly.

Whereas certaine arrears by overchargeing of tithable persons in some counties are now in question, *It is ordered* that such errors as are alledged to be committed shall be certified vnder the com^{rs}. hands att the Assembly in *March* next, and for the future that all lifts shall be taken and certified vnder the hands of the com^{rs}. and not otherwise, and so presented to the Assembly.

It is ordered by this Grand Assembly in the difference between Ma^r *George Fawden* & Capt. *George Hardy* that the 3 grants of Ma^r *Fawdens* (the first Cont^s 2400 acres upon the Mayne River, the 2nd Cont. 1050 acres dat: *Sept. 15, A^o 1636*; the third Cont. 850 acres dat: *Oct. 4, 1639*) shall have (as of right formerly they had) priority of Capt. *Hardyes* pattent & that it be referred to an able jury to be impannelled upon oath by the s^{heriff} of the *Isle of Wight* County, with a surveyor to lay out the said pattents according to these bounds upon the place & the s^{heriff} to give possession according to their Verdict, and Convenient Time to be appointed by the Sheriffe.

It is ordered that Ma^r *Thomas Cely* shall continue his possession in the land in difference between him & *John Slater*, who claymeth by a pattent dated Anno. 1653, which was obtained contrary to an act made in A^o 1652, & y^t 800 lbs. of tobacco Cofts be allowed the said *Cely*.

It is ordered that the Salarye appointed for agency, is by ye severall Sheriffs & Collectors respectively to be paid to Leu^{tt} Coll^o *Samuell Mathewes* or his assignes.

The names of the Committee for the above written private Causes are as followeth:
Coll. *Tho. Dew*, Le^t Coll. *Robert Pitt*, M^r *Wm. Whittbye*, Ma^r *Peter Walker*, M^r *Samuel Stoughton*, M^r *William Whitaker*, M^r *Henry Soane*, Ma^r *Abra. Wood*, Ma^r *Worliech*.—November 29, 1654.

Coll.

Coll. *William Clayborne*, Coll. *William Taylor*, *Edward Diggs*, Esq^r, were added to the Committee.

The Governour and Council have thought good to call Mr *Edward Diggs*, Esq. to be one of the Council, if the Assembly shall like thereof, and signifie their approbation and concurrence therein, *Novem. 22, 1654.*

Richard Bennett.

It is vnanimously consented vnto, he haveing given a signal testimony of his fidelity to this collony and Common-Wealth of *England*.

Cha. Norwood, Cler. Affem.

Orders of Assembly

Concerning the March against the *Rappa'*. Indians.

Whereas divers complaints have bin made by the inhabitants of the counties of *Lancaster*, *Northumberland* and *Westmoreland* concerning divers injuries and insolencies offered and done by the *Rappahannock* Indians, vnto them the said inhabitants, and have refused to give satisfaction though often demanded by the commissioners of the said countyes, which gives just occasions of jealousies and fears of an intended warr: *It is therefore ordered* by this present Grand Assembly, that the said counties bee associated and joyned together in and concerning the affaires of their neighbouring Indians, and that for this present expedition there be raised in the county of *Lancaster* one hundred men sufficiently furnished with armes, amunition and provisions, with boates and other necessaries for their voyage to the said *Rappahannock* townes, likewise the county of *Northumberland* 40 men qualified as aforesaid, Also in the county of *Westmerland* thirty men qualified as aforesaid, and that the said men be raised and pressed in such manner as the first man in commission in each county with the assistance of the commissioners of the respective countyes direct and think fitt for the most easie accomplishment of this imployment, and that the nomination of the leaders of the said men in the counties of *Northumberland* and *Westmerland* be att the appointment of their severall courts respectively, all which said men so raised and pressed in the said three counties are hereby required to repaire on the first *Wednesday* in *February* next to the house of *Thoms Meades* in *Rappahannock* river which is thought the most convenient place of generall rendizvouz, and from thence Ma'r. *John Carter* who is hereby appointed commander in cheife is hereby required and authorized to march with all the aforesaid men to the aforesaid Indian towne and demand and receive such satisfaction as he shall thinke fitt for the severall injuries done vnto the said inhabitants not vsing any acts of hostility but defensive in case of assault, *And it is further ordered* that the said Major *John Carter* give account of his proceedings vnto the hono'ble the Governour who is hereby authorized with the advice of his council to determine of peace or warr in this and all other emergent occasions concerning the said Indians. *And it is further ordered*, That Capt. *Henry Fleet* and *David Wheatliff* attend the said service as interpreters, the charge of the service aforesaid to [be] born by the three countyes above specified.

[From *Hening's Statutes at Large*, I, 392, 393.]

THIS Assembly is adjourned till the twentieth day of *March* at *James Cittie*, the quarter court is also adjourned till the twentieth of *March*.

Rich: Bennett.

Vera Copia,

Charles Norwood, Clk. Affem.

Edward Hill, Speaker.

The sum of one hundred thousand pounds of tobacco is assigned to the Governour by this Assembly, in consideration of his expences, charge and pains in the government of this collony, arising out of the *Dutch* prizes and confiscation of forrain goods and ships, as by the accounts in the Assembly appears.

Charles Norwood, Cl. Afs.

[From the *Virginia Magazine of History and Biography*, XVII, 127.]

THE Publick Levy for this Assembly [*November, 1654*] laid as followeth:
Westmoreland Dr. 170 Tithables at 2 P poll is 4,420.

[Some of the Proceedings of the 1654/55 Session.]

March 24, 1655.

THIS day ye Committee for private Causes was appointed as followeth:
Coll^o Scarborough, Chaireman, Coll. John Sidney, Lieu^t Coll^o Whittaker,
Major John Bond, M^r Tho. Lyggon, M^r Holmewood, M^r Anthony Wyatt,
Leif^t Collo. Reade, M^r George Lobb, M^r Thomas Davis, M^r Theophilus Hone,
M^r William Thomas—added of the Council, Coll^o Tho. Pettus, Collo. Dew.

Forasmuch as the security of this Countrey is intrusted into ye hands of the Commissioners of the militia for the respective Countyes by vertue of severall orders of Assembly in that behalfe made & p^rvided, *It is therefore ordered* that the Commissioners of the said Militia for ye Counties aforefaid make diligent search & inquiry of what Ammunition is wanting in their p^rticular Counties & where defects in that case shall be found, the said defects to be supplied at the publique charge of ye County & ye said Commissioners to give account thereof to the Assembly.

It is ordered that the bounds of Jordan's bounds begin upon Bristol, and so extend downward to Buckar's Creek.

It is ordered that Capt. John West be paid his fallary (*vizt*) 10,000 lbs. Tobacco Constantly in York River.

Ordered, That from Poropotank to Mattapony vpward (*vizt*) on the north side of Yorke river be a distinct parish by the name of Stratton Major.

Ordered, That no surveyor or surveyors be elected but such as are chosen by the commissioners of such counties where such occasion shall be offered, and those so chosen to be recommended to the said com^rs. by persons well experienced in the faculty, and such as at the present are not sufficiently qualified for the purpose aforefaid to be devided of such employment or employments and the commissioners to judge and determine of their qualifications after such cognizance given as aforefaid.

March 17, 1655.—This day M^r John Page was admitted unto ye house of Burgessees.

March 19, 1655.—This day Coll^o John Flood was admitted into the house.

This day the Committee for the Leavie was appointed as followeth:

Major Robert Holt, Chairman, M^r Joseph Croshaw, M^r Wright, M^r Nich. Smith, Capt. Blake, Cap^t Ralph Langley, M^r Robert Ellyson.

March 20, 1655.—This day ye Committee concerning ye act for Marketts was appointed & Leif^t Coll. Walker, Capt. Fra. Willis, Lt. Coll. Wood, Capt. Lluellen.

Vpon the petition of Dr. Gyles Moody & John Mitchell & other strangers—Inhabitants of this Country, *It is ordered* that the aforefaid persons be made denifons to purchase & hold any lands & Priviledges here (offices & publick employment excepted) *Provided* that Capt. Nic^o Martn enjoy & hold all offices and employments he having obtained his Denizaçon in England, *Nevertheles* all Children of such strangers within Limited or any other shall vpon suite by them made Obtaine Denizaçon.¹

Vpon

¹ The proceedings which follow are printed in the order in which they appear in the manuscript volume in the Library of Congress used by *Hening* as the source of his text and by the editor of the *Virginia Magazine of History and Biography* in supplying most of the items omitted by *Hening*. Such of the items as were not thus supplied are here given; so that the proceedings are now complete—so far as they have been handed down. A close comparison of the original manuscript volume with the printed items in the *Statutes at Large* and the *Virginia Magazine of History and Biography* shows that the latter are essentially accurate, only a slight modernization in the use of capitals and of the apostrophe and in the avoidance of contractions being noticed. The form of the several items as given in the two printed books has been followed in this volume.

² This paragraph appears neither in the *Statutes at Large* nor in the *Virginia Magazine of History & Biography*.

Vpon the petition of the *Isle of Wight* Burgeffes in behalfe of the inhabitants of that county, *it is ordered*, That 3 of the comifs'srs. of each county, (that is to say) of *Nanzemund* and the *Isle of Wight* county shall meet att a fett time before the next Affembly to lay out the bounds of each county, and in case of difference to render account thereof to the next Affembly that it might be determined.

Ordered that Collo. *Francis Morrifon* take assurance of *S^r Wm. Berkeley*, Knt., of the middle brick house in *James Citty* bought of him the said *S^r Will^m Berkeley*, as also that he give *M^r Tho. Woodhouse* Livery & Seizen of the late State house.

In the case of *John Bromfeild*, plt. and widdow *Crumpe* defendant, It being found that the will of *Richard Buck*, from whence the land descends to the orphant, there does not appeare any estate past to *Bridget Bromfeild*, late wife of *John Burrowes* otherwise then for terme of life onely: there being not mention in the said will of heires, assignes for ever, nor in fee simple, &c. Likewise it being found, that this very case in *November 29, 1642*, was adjudged by the Governour and Councill to be but an estate for tearme of life and foe thrice voted in this Grand Affembly: Likewise it being further found that there were 5 other guardians of the said *Buck's* children by the said will and that they never claimed an estate in fee simple but onely for tearme of life: *It is therefore ordered* that the said *Elizabeth Crumpe* continue her possession without any further molestation in the premisses, it being voted and concluded as aforefaid.

In the difference between Capt. *Streeter*, who married Mrs. *Burbage*, the reliēt of Capt. *Thomas Burbage*, *It is ordered*, That the plantation of the said *Burbage* att *Nanfemund* be equally devided in quantity and quality both land and houseing, and all other lands of the said *Burbage* be divided according to quantity and quality as aforefaid into thirds by a jury vpon the place: of both which being foe devided the said *Streeter's* wife is to chuse which halfe of the plantation att *Nanfemund* and which thirds of the other land she pleaseth to enjoy: the same only for her life: And *Wm. Burbage* to take the remainder as heire att lawe, the charges of those divisions to be bearen according to each others proportions.

In the difference between *Carbery Kyggan* and *Wm. Norwood*, *It is ordered*, That *Kyggan* pay the charge of the jury and what was incident therevnto: but that *Norwood* satisfie the said *Kyggan* 700 lb. of tobacco for damages the said *Kyggan* susteined in the house, orchard and the fence belonging to the corne feild, and that each partye since the said jury bear their own charges, And that *Norwood* deliver vp *Kyggan's* bill, it appearing already satisfied, and make a firme conveyance of the land bought of him by *Kyggan* to his heires and assignes for ever.

Ordered that *M^r Henry Hendrick* be acquitted from ye payment of 900 lbs. of tobo. demanded by *M^r Thomas Ballard* the Collector for the County of *Yorke*.¹

Whereas Leift. Coll. *Tho. Swann* at a sessions holden by commission from the Governour the second day of *July* last, in *Surry* County, accused & impeached for the death of his servant one *Elizabeth Buck*, The fact found by the jury homicide per misadventure whereby he is by law of *England* to sue out his pardon of course vnder the broad seale from the chancellor, for obteyning of which he hath now humbly addrested himselfe to the Governour and Councill—Vpon consideration thereof had

Whereas this collony is not as yet settled with such officers as belong to passing such pardons and noe publick seale being in the countrey, The Governour, Councill and Burgeffes of this present Grand Affembly conceive it sufficient to declare, That the said *Thomas Swan* be discharged from further trouble, and be restored to the like condition he was in before the said homicide per misadventure comitted by him, and that he may safely acquiesse herein as if his pardon had bin sued out formally. And as concerning his goods and chattles to be forfeited thereby, they likewise conceive and declare that the rigor and forfeiture hereof shall not be taken, and that he shall be acquitted for the same.

By

¹ Only in the original manuscript.

By the Assembly:

The Affembly desire to be informed whether legall proceedings were had in the tryall of Left. Coll. *Tho. Swan* by those judges appointed by the Governour's comission. The legality being averred it is ordered to be recorded.

Charles Norwood, Clk. Affem.

Ordered that this Affembly be adjourned till the 10th day of *March* next, 1656, And in case any of the present Burgeffes are now elected sherriffs the inhabitants of such countyes are to proceed to new elections.

Att a Grand Affembly, held at *James Cittie*.

Know all men by these presents, That I *Sr William Berkeley*, Knt. doe by these presents in consideration of the quantity of seaven and twenty thousand five hundred pounds of tobacco to me in hand paid the receipt whereof I hereby acknowledge and divers good causes and considerations me therevnto mooveing give and grant, bargain and sell vnto *Richard Bennett*, Esq., Governour of *Virginia* and to his heires and assignes for ever all my right, title and interest that I have or may have in my house in *James Cittie*, lately in the tenure of *William Whittby* being the westernmost of the three brick-houses which I there built; To have and to hold the said third brickhouse with the appurtenances and land therevnto belonging to the said *Richard Bennett*, his heires and assignes for ever.—And I the said *Sr William Berkeley* further agree & promise to make any further assurance in law vpon reasonable demand as by counsell learned in the lawes shall be thought fitt, In witness whereof I have herevnto sett my hand and seale the thirtieth day of *March*, one thousand six hundred fifty five.

William Berkeley:
The Seale.

Signed, sealed and delivered in the presence of vs,
William Clayborne.
Tho. Brereton.
Stephen Gray.
Thomas Ellis.
Wm. Waters.

The 30th of *March*, 1655.

Livery and seizin was the day and yeare above written given and delivered to the said *Richard Bennett*, Esq. by the within named *Sr William Berkeley*, Knt. of the House within named, In the presence of vs, *William Clayborne*, *William Waters*, *Thomas Brereton*, *Stephen Gray*, *Thomas Ellis*.

Cha: Norwood, Clk. Affem.

Affembly, *March*, 1654-5 [probably 30th]

In the difference between *Richard Nicolas* & Coll. *Henry Bishopp*: It is ordered that *Mr Nicolas* shall be possessed & the Tennants remaine paying their future rents to the said *Nicholas* ye now Proprietor & that Coll^o *Bishopp* shall pay 2,000^{lb} of tobacco Cofts.

Att a Grand Affembly, Held att *James Citty*, *March* 31, 1655.

Ordered the Governour and Councill be as followeth:

Edward Diggs, Esq. Governour.

Coll. *Wm. Clayborne*, Secretary and next in Council.

Capt. *John West*,
Coll. *Sam. Mathewes*,
Coll. *Argoll Yardly*,
Coll. *Thomas Pettus*,
Coll. *Humphrey Higgison*,
Coll. *George Ludlow*,
Coll. *Will'm. Bernard*,

Coll. *Bridges ffreeman*,
Coll. *Edward Hill*,
Coll. *Wm. Taylor*,
Coll. *Tho. Dew*,
L't. Coll. *Obed. Robins*,
Leift. Coll. *Mathews*,
Capt. *Henry Perry*,

Capt. *Wm. Gocch*.

Whereas

Whereas William Deynes hath recovered the land in Controverſie. *It is ordered* that William Deynes ſhall have one thouſand pounds of tobacco for Coſts and Damages to be paid by the ſaid Purfrey.¹

Ordered that the clerke or clerkes of the county court in James Cittie, and all other courts within this collony ſhall give a receipt of what draughts or writings they ſhall receive of any perſon or perſons whatſoever.

Ordered, That the comiſſioners of the count: of Northampton ſhall exerciſe judicature in two diſtinct places of that county, That is to ſay, in the vpper and lower parts, the middle deviſion to be Hunger's Creeke from the head thereof to the widow Billiott's houſe, including the ſaid houſe in the lower precincts, and that the adminiſtration of juſtice ſhall be on the 28th day of every moneth in the vpper part and the other in the lower part, And that the comiſſioners of the reſpective diviſions ſhall attend the courts held therein according to the time and day within limited.

By reaſon of the great inconvenience occaſioned by the partition of the *Iſle of Wight* county by Pagan Creeke, *it is ordered* that in each pariſh of the ſaid county a monthly court be held on the 9th day of every moneth ſucceſſively each pariſh ſtill continueing equally relative to the comiſſioners of the county in gennerall and that the com'rs. of each pariſh appoint places convenient for the holding of the courts aforeſaid.

¹ This paragraph is only in the original manuſcript.

AT A GRAND ASSEMBLY

Held at *James Citty* by prorogation from the 10th of *March*, 1655, to this instant, first of *December*, 1656, wherein was enacted as followeth.

FIRST in respect of divers members being some dead, some chosen sheriffs, these underwritten were elected, admitted and according to order have subscribed.

Lancaster County.

Sr. Henry Chichley, Kn't.

Henrico County.

Major Wm. Harris.

Isle of Wight County.

Mr Job. Beazley.

Gloucester County.

Capt. Ramsey.

Nansemond County.

Capt. Edward Stretter,

Mr John Wilcox.

Lower Norfolk.

Capt. Richard Foster.

Elizabeth Citty.

Mr Peter Ashton.

[Here follow in the original manuscript the laws for the session.]

Whereas by a former act of Assembly priviledge was granted to any parish to send one or two Burgeffes, and severall disputations ariseing thereypon, how the charges of the said parochiall Burgeffes should be defrayed, *It is ordered* that everie county shall pay the Burgeffes usually sent from the respective counties as formerly, and if any parish shall return a Burgeffe for their perticular occasion, then the charge of the said Burgeffe to be levied in and by the parish that elected him.

Committee appointed for Review of the Acts.

Capt. Francis Willis, Chairman.

Leift. Coll. Abraham Wood,

Coll: Geo: Reade,

Mr John Wilcox,

For private Causes.

Major Holt, Chairman.

Mr Peter Ashton,

Capt. Ro: Ellison,

Capt. Ralph Langley,

Mr Anth Wyatt,

Capt. Moore ffanteroy,

Capt. Wm. Harris,

Capt. Wm. Whittaker.

Whereas the Governour and Councill in respect of some emergent necessitie had made choice of Leift. Coll. *Walker* and Mr *Nathaniel Bacon* to be added to the Councill during the intervall of the Assembly, this Assembly takeing the reasons into consideration confirme their election and accordingly have consented.

Vpon the petition of Coll. *Thomas Dew* to be impowered to make a discoverie of the navigable rivers to the southward between Cape *Hatterras* and Cape *Feare* with such gentlemen and planters as would voluntarily and att their owne charge accompanie him, *It is ordered* that the said Coll. *Thomas Dew* be hereby authorized and impowered to make the said discoverie. *Provided* it be done at the proper charge of the vndertakers, and not at the cost of the publique, and in the absence or in case of the mortality of Coll. *Thomas Dew*, Capt. *Thomas Francis* is hereby invested with the like power.

Debate and consideration of the charge and defence of Coll. *Edward Hill* by the general and unanimous assent and vote of both houses without any contradiction hath been found guilty of those crimes and weakneses there alleaged against him and for
the

the vindicating themselves from any imputation of his crimes and deficiencies have ordered that his present suspension from all offices military and civil that he hath had or may have continue & be made incapable of restitution but by an Assembly, and that he be at the charge of what's already expended in procuring a peace with the *Richakians* and if the Governour or Council shall find any nearer way to effecting thereof that it shall be acted at the said Coll. *Hills* proper cost and charge.

Whereas a petition was presented to the hon'ble Assembly by the Burgeesses of the *Isle of Wight* countie in behalfe of the inhabitants of *Terrascoe* neck and the *Ragged Islands* subscribed by divers of the said inhabitants expressing their desires to be taken out of the county of *Vpper Norfolke* and adjoynd to the countie of the *Isle of Wight* for their greater conveniency, *It is ordered* that the Governour be desired to nominate a councillor who is to appoint a precise time and place for the comiss'rs. of each countie to meet him, and in case the said com'rs. cannot agree about fixing the bounds of each county, Then the said councillor as an umpire to putt a period to their differences and the bounds by him or them then sett for the several counties to remaine for the future unalterable, It being the opinion of the house that naturall bounds will be fittest for that purpose.

It is ordered by this Grand Assembly that there be levied by the pub: annually the sume of twenty thousand pounds of tobacco, which is to be allowed for the accomodation of the Governour and Councill att *James Cittie* during quarter courts and Assemblies.

It is ordered by the Assembly that twenty-five thousand pounds of tobacco *per annum* be conferred on the Governour which from time to time shall succeed in the government of this countrey towards his maintenance in the said place, which is to be yearly levied out of the publique, And also that the dutys which shippes were formerly vsed to pay to the Capt. of the Castell be from henceforth paid to the Governour of this country, to be by them converted to their maintenance in the government as afore-said, And that liceses for marriages and all other priviledges and comodities enjoyed by the precedent Governours, be confirmed to the present Governour with reservation of the castle duties to Coll. *Clayborne* of what shippes are already entered or shall enter before the expiration of this present thirteenth day of *December*.

For encouragement of the ministers in this countrey and that they may be the better enabled to attend both publick commands and their private cures, *It is ordered*, That from henceforth each minister, in his owne person with six other servants of his family shall be free from publique levies, Allwaies *provided* they be examined by M^r *Phillip Mallory* and M^r *John Green*, and they to certifye their abilities to the Governour and Councill, who are to proceed according to their judgement.

It is ordered that the parish of *Bristoll* have power to keep courts within their said parish and to heare and determine all differences herein as at county courts which courts are to be kept by the commissioners dwelling in the said parish, but either plt. or defendant if they crave it shall have licence to appeale to *Charles Cittie* or *Henrico* county courts.

It is ordered that six thousand pounds of tobacco be allowed to Coll. *Francis Morrison*, speaker of this house, for his loss of time and great care and pains taken about the publick busines.

It is ordered that Major *Charles Norwood*, heretofore clerk to the Assembly, be allowed two thousand pounds of tobacco in full of all his arrears of salary; and the clk. place of the Assembly henceforth to be conferred on M^r *Henry Randolph* to officiate therein as Major *Norwood* hath done and to have the same salary.

It is ordered that for this present year the com'rs. of the militia in every county endeavour to provide four barrells of powder with shot proportionable for each regiment which shall be allowed the next year out of the several county levies; that *Rob't. Hubbard* for the care in attendance on the committee for review of the acts have two thousand five hundred pounds of tobacco out of the levies of *James City* or *York* county. *Provided* he write out the acts and orders at large and compleat them according to the direction of the committee and get them ready by the first of *March* next.

That

That *Thomas Woodhouse* for the quarter courts sitting at his house two courts and for the committee's accommodation have two thousand five hundred pounds of tobacco granted him by the publick.

That letters be sent unto Coll. *Sam'l. Mathews* and M^r *Bennet* that in respect the difference between us and the Lord *Baltimore* concerning our bounds is as far from determination as at first, they desist in that particular until further order from this country.

That *George the Armenian* for his encouragement in the trade of silk and to stay in the country to follow the same have four thousand pounds of tobacco allowed him by the Assembly.

Whereas a petition was presented to the honourable Grand Assembly by Capt. *Thomas Pritchard* in behalfe of the inhabitants of *Nuttmege* Quarters intimating their desire by reason of their small number not longer to continue a parish of themselves, but to be united to the parish of *Denbigh*, It is ordered that the commissioners the next county court make enquire of the desires of the inhabitants, and if the major part agree vnto it, then they to be accompted and be members of the parish of *Denbigh* aforesaid otherwise to remaine a parish of themselves as at present.

This day Coll. *Francis Morrison* was desired by the house to write two letters, one to his highness, the other to the Secretary of State, and Capt. *Willis* to draw up a testimonial for the Gov^r.

It is ordered, that Coll. *Abraham Wood* be appointed and made Coll. over the regiment of *Charles City* and *Henrico* countys in the room of Coll. *Hill* by this present Assembly suspended, and Capt. *William Harris* made Major of the said regiment being his due as the first Capt. according to the desire of the said Coll. *Abraham Wood*.

Ordered that *Edward Digges*, Esquire, being at present Governour, be requested to continue his office, and reteine the reins of government in his hands during his abode in the countrie, and in the interim Coll. *Samuel Mathews*, Governour elect to take place next him in the councill.

Ordered that *Edward Diggs*, Esq. Gov^r. after the expiration of his government do in the Councel take place next unto Coll. *John West*, Esq.

Vpon the petition of Coll. *Abraham Wood* and M^r *Anthony Wyati* in behalfe of the inhabitants on the south side of *Charles Cittie* county, shewing the greate inconveniencies accrewing to them by reason of the courts being kept on the north side of the river, It is ordered that the place of keeping courts for the said county shall be on the south side of the river, at such place as the commissioners or the major part of them shall find most convenient for the ease and benefitt of the inhabitants.

Whereas a review of the lawes hath been made by this Grand Assembly, it is ordered therevpon that they be all digested into one volume, and that the same be presented to Lieft. Coll. *Walker*, Coll. *Abra: Wood*, and Capt. *Francis Willis*, who are desired as a comittee to compare the same with the originall by *March* court next, and vpon their signing it publication to follow, And it is further ordered that M^r *Robert Hubert* may have license to carry the originall booke of records home to his owne house to copie them out by.

Whereas by petition of the inhabitants of the lower part of *Lancaster* county shewing their vast distance from the countie courts was presented to the honourable Assembly by Capt. *Moore ffantleroy* and their desire of haveing the county devided, It is ordered that according to an order of court deviding the said countie at present into parishes, be for the future the bounds of the two counties, vizt. The vpper part of M^r *Bennetts* land knowne by the name of *Naemhock* on the south side of the eastermost branch of *Moratticock* Creeke on the north side the river be the lower most bounds of the vpper county; The lower county to retaine the name of *Lancaster*, and the vpper county to be named *Rappahannock* county and notwithstanding this division both counties to be liable to the Burgeesses charge of this present assembly.

[From

WHEREAS *John Fipps* by his petition shewed that there was due to him from the Country by former Order One Thousand one hundred pounds of Tobacco but Ommitted in Casting up the laft levy, *It is therefore Ordered* that payment be made him of the faid fum the next Affembly.

Whereas *Thomas Loving* High Sheriff of *James City County* by petition requested the Opinion of the house whether *Coll. Higgifon* having been fo long absent out of the Country fhould enjoy the Privilege of Councillor by exempting certain perfons out of the Levies. *It is refolved* that in Refpect of his long Abfence he being in no Publick Employment fhall not have any Perfons belonging to him Exempted.

Whereas there was an order 1650 Granted for three thoufand fix hundred and Nine-ty Pounds of Tobacco to be paid out of the Levy of the County of *Lancafter* to be paid unto *Coll. Samuel Mathews* which yet remains unfatisfied, *It is ordered* that the Collectors of the faid County make prefent thereof and in cafe of their failing their Security to pay it.

Upon the petitions and Articles of *Mr James Crewes* Exhibited againft *Capt. Philip* We having heard and feen all the proofs and Arguments that the faid *Crewes* could produce for the Confirmation of them as alfo the defence and Reply of *Capt. Peibles* to the fame Do unanimously Conceive that the faid petition and charge of *Crewes* is malicious and Scandalous for neither the taking away of the Neat nor tearing the Book mentioned in the firft Article was anyways prejudicious to the faid *Crewes* nor more than *Peibles* might lawfully do and for the Stuff mentioned in the fecond Article it was no cheat (as Charged) but might be difpofed of by *Capt. Peibles* as he pleaed and that *Capt. Crewes* had received Satisfaction for the fame by account and for the Stabs and Blows mentioned in the third and fourth Articles they were occafioned by *Crewes* unworthy and uncivil provocation for which Notwithstanding *Peibles* hath Given Satisfaction according to the order of the County Court. And to the fifth Article no juft proof appears on *Crewes*'s part whereas we humbly conceive that the faid *Crewes* ought to be made Example for fuch foul Eaſe and unworthy Defamations againft *Capt. Peibles*—by paying Coſts of Suit and a fine to *Capt. Peibles* for two Thoufand Pounds of Tobacco and that this be a final Determination of the Differences between them this Report being by the Unanimous Vote of both Houſes. *Ordered* to be confirmed.

Upon a full hearing a Serious and mature confideration of *Mr Harlowe*'s Petition having weighed his Objections to the bond which by feveral proofs appears to us to be Authentick, We conceive that *Mrs. Whitby*'s *Quietus eſt* hath been Legally and Juſtly obtained and that there are no Affets difcovered by Us in her Hands to give any other Satisfaction to the faid *Harlow* than what are mentioned in an Order of the Governor and Council of the Ninth of *October*, 1655, which according to the proviſo therein Expreſſed (*viz*) (not infringing the Right and precedency of any former Judgment) we Conceive may be performed towards Satisfactions of the faid *Harlow* it appearing to us that the Order was grounded upon and according to *Mr Harlow*'s own propoſition which faid Order *Mrs. Whitbey* never refuſing to perform we conceive *Mr Harlow* had no Cauſe to put her to this great Charge and Moleſtation and therefore have *Ordered* that the faid *Mr Harlow* pay three thoufand pounds of Tobacco for coſts and damages upon thrice Voting of which Report in the Houſe on *Saturday* and Confirming it by another upon *Monday* at the petition of *Mr Harlow* for taking off his damages *It is ordered* by this Grand Affembly that the Eſtate mentioned in the Deed be confirmed to the faid *Mrs. Whitbey* their proper Eſtate and Remain free and diſcharged from the Claim of any perſon or perfons that may pretend any title or Intereſt therein as Creditor to her Late Huſband *Mr Whitby*.

Upon the Petition of Major *John Bond* Sheriff of the *Iſle of Wight County* and the petition of *Mr Theophilus Hone* Sheriff of *Elizabeth County* Complaining that their Counties have been over Rated in the Liſt of Tithables (*viz*) the *Iſle of Wight* by 38 perſons

sons amounting to twelve hundred Ninety and two pounds of Tobacco and *Elizabeth City* 32 persons amounting to one Thousand Eighty and Eight pounds of Tobacco, *It is Ordered* that the said Sums be taken off the said Counties respectively and Laid upon *Lancaster County* where they are Increased since the last Year's List 152 persons.

Upon The Petition of *Mr John Page* *It is ordered* that he be allowed five hundred pounds of Tobacco more for a Horse lost in the last Expedition having formerly had two Thousand pounds of Tobacco allowed him by the Governor and Council which we conceive too little.

Upon the petition of *Mrs. Margaret Skinnar* *It is Ordered* that the Schedule annexed to her petition for the making Good of her Articles to her Children out of *Mr Skinnar's* Estate done by Order of the *Isle of Wight* Courts as very Reasonable and Just be so confirmed by this Assembly.

Upon the Motion of *Coll. Flood* against *Mr Will Batt* for tending of Seconds and being found guilty of the Breach of the said Act, *It is Ordered* that the Seconds be destroyed and the said *Batts* to pay two thousand pounds of Tobacco according to the said Act.

It is Ordered that *Thomas Woodward* Clerk to the Committee of private Causes this Assembly being [be] allowed out of the next Year's Levies fifteen hundred pounds of Tobacco.

Upon The petition of *Richard Nicholas* *It is Ordered* that the County pay unto the said *Nicholas* Sixteen hundred pounds of Tobacco to be placed in *Charles City County* towards the Charge and Costs he hath been in recovering and finding a Horse which was carried away of the said *Nicholas* which Horse was upon the Service in the second Expedition.

Upon The petition of *Robert Ellifon* whereas in the former Sessions of this Assembly difference between him and *Lieut. Coll. Swan* appeareth to have been debated at the Committee for private Causes and a Report thereof made to the Assembly but not determined by reason of *Mr Ellifon's* sudden departure out of Town this Assembly finding that former Report just and reasonable have *Ordered* the same to be ratified and confirmed.

In the Business between *Nicholas Seabrill* and *Capt. Giles Brent* by consent of both parties it was agreed that an inquest of the Old Neighbours (*viz't*) *Mr Nicholas Brook Ralph Simkin* and *Mr Richard Daines* should to the best of their Knowledge Lay forth the said Land and after it is laid out that the Sheriff possess the said *Seabrill* therewith and this to be a final Determination of the Business the said *Brent* paying *Seabrill* fifteen hundred pounds of Tobacco for costs and Damages (*viz't*) five hundred pounds of Tobacco this Year and one Thousand pounds of Tobacco the next Year which is *Ordered* and *Confirmed* Accordingly.

Upon the petition of *Thomas Dipual* *It is Ordered* that he be allowed five hundred pounds of Tobacco for Damages done to his Boat in carrying Soldiers provisions up to the Fort.

Mr Anthony Langston's petition is reverfed to further proof.

Upon the Petition of *Ralph Langley* concerning Damage sustained by a Boat of his preft for the Service of the Country *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the petition of *Master Anthony Wyat* for Satisfaction concerning a Boat bulged in the Country Service, *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the Petition of *Mr Bannister* *it is Ordered* that he be allowed four hundred pounds of Tobacco for the use of his Boat and two hundred Seventy and Seven pounds of Tobacco for provisions that he furnished *Coll. Hill* withall for the use of the Soldiers.

Upon the Petition of *Coll. Edward Hill* *It is Ordered* that he be Satisfied Six Thousand pound of Tobacco for Ammunition and other provisions procured by him for the use of the Army.

Upon the Petition of *Walter Cooper* *It is Ordered* that fifteen hundred pounds of Tobacco be allowed him for his Attendance and Service done to the last Assembly and this.

Upon

Upon the Petition of *Thomas Hunt* It is Ordered That three hundred and twenty pounds of Tobacco be allowed to the four Men for their Service done to the Publick mentioned in his Petition.

Upon the Petition of *Henry Walker* It is Ordered that he have four hundred pounds of Tobacco for his pains of finding a Horfe of *Wm. Jupons* and four Hundred pounds of Tobacco more when he shall bring in the Other Stray Horfe (supposed to be *Rich'd Egles-ton's*).

It is Ordered that *Sir William Berkeley* be allowed four Thousand five hundred pounds of Tobacco and Cask with the Tobacco upon the Sale of his House It being according to the Agreement tho' Omitted by the Clerk and that it be placed upon *James City County*.

Upon the Petition of *Thos. Loving* Sheriff of *James City County* We think fit that he should be allowed two thousand three hundred pounds of Tobacco.

Edw'd Diggs.

Francis Moryson, Speaker.

[From *Hening's Statutes at Large*, I, 427, 428.]

IT is ordered that *Sir Wm. Berkeley* be allowed four thous'd. five hundred pounds of tobacco for cask with the tobaccos upon the sale of his house, It being according to the agreement though omitted by the clerk and that it be placed upon *James City county*.

[From *Burk's History of Virginia*, II, 116, 117.]

May it please your highness,

WE could not find a fitter means to represent the condition of this country to your highness, than this worthy person, *Mr Digges*, our late governor, whose occasions calling him into *England*, we have instructed him with the state of this place as he left it; we shall beseech your highness to give credit to his relations, which we assure ourselves will be faithful, having had many experiences of his candor in the time of his government, which he hath managed under your highness, with so much moderation, prudence, and justice, that we should be much larger in expressing this truth, but that we fear to have already too much trespassed, by interrupting your highness's most serious thoughts in greater affairs than what can concern your highness's most humble, most devoted servants.—Dated from the assembly of *Virginia*, 15th December, 1656.

Superfcribed,

For his Highness the Lord Protector.

Right honorable,

Though we are persons so remote from you, we have heard so honorable a character of your worth, that we cannot make a second choice, without erring, of one so fit and proper as yourself, to make our addressees to his highness the lord protector. Our desires we have intrusted to that worthy gentleman *mr. Digges*, our late governor; we shall desire you would please to give him access to you, and by your highness. And as we promise, you will find nothing but worth in him, so we are confident he will undertake for us, that we are a people not altogether ungrateful, but will find shortly a nearer way than by saying so, to express really how much we esteem the honor of your patronage, which is both the hopes and ambition of your very humble, and then obliged servants.

From the assembly of *Virginia*, 15th Dec. 1656.

Superfcribed,

To the right honorable John Thurlow,

Secretary of State.

Honored

¹ The text here seems to be defective. Some such words as "aid, access to his" ought to be between "your" and "highness".

Honored sir,

I am commanded by this present assembly, now fitting, to certify you, that they having taken into their consideration that the difference of bounds between *Virginia* and *Maryland*, hath been in long dispute, and yet as far from determination as at first: It is therefore their unanimous desire, that you desist from all manner of farther proceeding in the same, until further order from the country. This, sir, is the sum of what I am enjoined from them to let you know, besides their thanks and my obligation in particular, which obliges me to subscribe myself, your very humble servant,

Francis Morryson.

Superfcribed,
To Colonel Samuel Matthews.

Instructions for the Honorable Edward Digges.

Upon your first arrival, you are desired to make your first addressees to the right honorable *John Thurlow*, secretary of state, and after delivery of the country's letters, by his means to get addressees to his royal highness the lord Protector. You are to assure his highness, that according to his letter we have not interested ourselves in the business betwixt *Maryland*—and have been unconcerned in their quarrel from the beginning until this time, and so shall continue according to his highness's direction in that letter. You are desired to join yourself with our friends colonel *Matthews* and mr. *Bennett*, and to treat with the most considerable merchants that use this trade, and to let them know how much this assembly hath endeavored to lessen the quantity and mend the quality of tobacco; to see what they will do towards it, therefore without the endeavor be reciprocal, we shall hardly mend the commodities without they mend the price, for if we once find that good and bad is all one as in respect to us, we shall certainly make that which is made with most ease. Of these transactions and the success of them, you are desired to give the country an account by the first ships next year.

[From the *Virginia Magazine of History and Biography*, VIII, 390, 391.]

Assembly, *December*, 1656.

UPON the petition of *William Hudson* concerning a patten of land that ye said *Hudson* is at present seated upon, but claimed by Collo. *Wm. Clayborne* who conceives it his due by a Grant of Assembly, in respect of the said Collo. *Clayborne's* not being timely enough summoned to provide his answer according to the limitation of the Act. *It is ordered* upon the desire of the said Collo. *Clayborne* that the whole business concerninge the title be referred to the next Assembly, and in the interim ye said *Hudson* to enjoy the land without molestation & the said Collo. *Clayborne* to take notice of this as a Lawfull summons.

[Some of the Proceedings of the House of Burgesses for the *March* 1657/58 Session.]

[*March* 23, 1657.]

THE answer of the Governor and Council to the House's Message about the lawyers.

The Governor and Council will consent to this proposition so far as it shall be agreeable to *Magna Charta*.

Wm. Claiborne.

23 *Martii*, 1657.

March 24, 1657.

WHEREAS Major *William Lewis* preferred a petition to the house therein requesting that a Commission might be granted unto them, *Mr Anthony Langston* and Major *William Harris*, to discover the Mountaines & Westward parts of the Country & to endeavour the finding out of any Commodities that might probably tend to the benefit of this Country.

It is ordered for encouragement to them & others that shall be of the like publique and Generous Spiritts that a Commission shall be granted them to authorize their Undertakings and all such Gentlemen as shall voluntarily accompany them in the said discovery.

March, 25th, 1658.

PROPOSED, Whether the committee should draw up a reply to the answer of the Governour and Council of the 23d instant, concerning the proposition about lawyers.

Resolved, An answer should be drawn vpp by the committee.

The humble reply of the Burgesses to the Governour and Council.

1. Concerning Lawyers. 2. Concerning the manner of proceedings in law.

To the first wee have considered *Magna Charta* and wee cannot discern any prohibition contained therein but that these propositions may pass into lawes.

It was resolved in two former Assemblies that it was not onely necessary but that they had power to make lawes for that purpose, as appears by two acts of Assembly now vpon record.

The first whereof stood in force above ten years and the later addition was added in 1647, which acts stood in force vntill the last Assembly, And soe we humbly conceive that wee have no less power nor cause to make the like lawes.

Yorke Com^{rs} referred to the Publique Committees—

Mr Sparrows petⁿ as Attorney for *Hacker* referred to the publique Committee—(29
John

¹ The items are given in the order in which they appear in the manuscript volume, now in the Library of Congress, used as a source by both *Hening* and the editor of the *Virginia Magazine of History and Biography*. See the note as to the source of the proceedings of the 1654/55 session.

John Perryman his petition about his ferry referred to ye publique Comtee.

The petition of the Inhabitants of the Northside of *Charles* County for deviding their County referred to ye Publique Committee.

The petition of ye Inhabitants of the Southside of *Rappahannock* river referred to the Committee for Publique Affaires.

Proposed, Whether all propositions and lawes exhibitted by the committee shall be first treated on in the House by the Burgeffes in private or in prefence of the Governour and Councill.

Resolved by a generall consent that they shall be first discussed among the Burgeffes only.

March 26th, 1658.

PROPOSED, Whether a regulation or totall ejection of lawyers?

Resolved, By the first vote. An ejection.

Proposed whether ground leaves or seconds are merchantable tobacco.

Resolved they are not merchantable tobacco. N. 31.

Proposed whether old debts made without exciuding ground leaves may not be satisfied after the rate of three hundred cleer, to pay four hundred with them, And in case of the creditor's refusall the debtor to pay one hundred in 400 in ground leaves and so proportionably.

Resolved 300 shall pay 400, or the residue to be paid in ground leaves.

Proposed whether any tobacco to be planted after the 10th of *July*.

Resolved none shall plant tobacco after the tenth of *July*.

Proposed what pennalty be imposed vpon the person or persons planting after the said tenth of *July*.

Resolved: To be fined tenn thousand pounds of tobacco.

Proposed whether this Assembly to be adjourned or dissolved.

Resolved to be adjourned to the first of *November*.

Proposed, whether hides, raw or tannd, wooll or old iron should be exported.

Resolved they shall not be exported.

Proposed what penalty to be imposed on the infringers of that lawe prohibiting exportation as in the last quaere.

Resolved. Confiscation of the vessell and goods taken, and this act to be in force after the tenth of *June* next.

March 27, 1658.

PROPOSED—Whether Fences being but four foot & a half high should be Esteemed sufficient or else five foot & a halfe.

Resolved, A Fence of four foot & a halfe high is sufficient.

Upon complaint made to the house by ye honourable ye Governour agt Captain *Francis Willis* for departing out of ye Toune contrary to ye Expreffe Comand of the honourable the Governor: *It is ordered* that ye said Cap^t *Willis* be forthwith sent for by a Warrant from ye Assembly to answer his contempt.

March 29

[In pencil by *Hening*: "Session of 1657-8"].

ABOUT a Re-debate of ye proposition about imposing two shillings upon each hoghead of tobacco Exported, *It was resolved*, That only one shilling should be imposed on a hhd., And that to be allowed the Govern^r only during the time his Election is in our power.

A Committee appointed to regulate the Comissioners of the County Courts were these underwritten:

M^r

¹ The three foregoing items are neither in *Hening* nor in the *Virginia Magazine of History and Biography*, but are found in the original manuscript.

M^r Warham Horsmanden, Chairman, Capt. William Michell, M^r Joseph Bridger, Le't.-Coll. Edward Carter, M^r Jerom Ham, Major Wm. Wooldridge, Major Lemuel Mason.

In ye difference debated between M^r Joseph Bridger, Burgesse of the lower p^rish of the Isle of Wight County & the rest of the Burgessees of the said County, Whether there should be two Courts & two Countyes, or two Courts & one County. *It was Resolved & ordered accordingly*, That they should continue one County & keep Courts in two places as formerly.

March the 30th.

UPON returne of the petition of the inhabitants of the north side of the river in Charles Cittie county from the comittee to the house—*It is ordered*, That the county of Charles Cittie shall not be divided, but that it remaine one entire county and for the ease of the people that there shall be 2 courts kept one on the South side where it is, and the other on the North side by turnes. The com'rs. of both sides to assise at both courts indifferently: And each side of the river to beare the charge of building their own court house & prison.

This Grand Assembly taking into their consideration the inequality of raising taxes *per poll*, And the small encouragement given to any publique endeavors by reason of the inconsiderable value of levy tobacco, *It is therefore ordered* that two shillings *per* hhd. be laid vpon every hhd. of tobacco exported out of this country, out of which money so to be raised fixe hundred pounds *sterling* to be paid to the honourable Samuel Mathews, Esquire, Governour.

March 31st, 1658.

WHEREAS in the proportion of the publique charge there is specified an allowance of two hundred pounds, for accomodation of the councillors at quarter courts and Assemblies it is

Proposed, Whether any thing shall be allowed the councillors for their accomodation or not.

Resolved by the first vote nothing to be allowed them.

Proposed, If the Burgessees charge is paid out of the publique levy on the tobacco exported, whether it be not necessary to restraine the countyes to the election of onely two out of a county.

Resolved by the first vote, that there shall be allowed to each county the freedom to elect as many Burgessees as formerly.

This day all the former acts haveing been perused by the committee for viewing and regulating them were by the said comittee presented to the house, where being read and seriously discussed they were approved of in the House and a committee appointed to present them to the Governour and Councill, and to advise with him and his council about the explanation or alteration of any seeming difficulties or inconveniencies, Yet with this limitation not to assent to any thing of consequence without the approbation of the House.

The Committee.

Coll ^o John Carter	Le ^t Coll ^o Thomas Swanne
Le ^t Coll ^o Edward Carter	Major Richard Webster
M ^r William Edwards	M ^r John Willcox.

The residue of the Committee for publique Affaires being still to continue their proceedings & Capt William Michell to be Chairman to request also y^e assistance of one of the Councill

Proposed

Proposed Whether y^e Castle Duties be continued to the Govern^r as by order of the last Assembly, or to be received in Ammunition in kind and be proportioned to every county according to the number of their tithables.

Resolved at present to continue as they do.

Proposed Whether y^e party the publique or the County to beare y^e Charge of Prisoners for criminal offences where y^e party is cleared.

Resolved. By explanation of Act concerning that purpose w^{ch} fee.

Proposed. Whether after y^e nominateing a Comissioner (to be admitted) by the County Court, & the approbation of him by y^e Govern^r and Councill the Confirmation of the Assembly be requisite.

Resolved. By explanation of the Act concerning Comissioners, w^{ch} fee.

Proposed. Whether all Publique Levy in tobacco to be taken off, And the Burgeffes for this present Session to be paid out of the County Levy. And y^e Governour, Councill & the publique officers and arrears due from the publique to be paid out of the money to be raised uppon the two shillings *per* hogthead, & those propositions to be drawn up into an Act.

Resolved. By three Affirmative Votes for Confirmation & an Act & order drawn up to that purpose, w^{ch} fee.

April the first, 1658.

VPON the petition of the inhabitants of *Middle Plantation* and *Harrop* parishes, *It is ordered*, That both of them be henceforth incorporated into one parish which is to be called the parish of *Middletowne* and the bounds of the same to be those already includeing both the aforesaid former parishes.

Upon y^e petition of Cap^t *Bennette* freeman shewing the great Inconvenience of his house being ioyned to the Vpper parish of *Chickahominy* & praying that he might be United to the parish of *Wallingford*, *It is ordered* that the house he now dwells in shall be annexed to & be in the parish of *Wallingford*.

The Governour and Councill for many important causes do think fitt hereby to declare, That they do now dissolve this present Assembly, And that the Speaker accordingly do dismiss the Burgeffes.

Samuel Matthews.

W: Claiborne.

Subscribed,

*Obedience Robins,
John Walker,
Geo: Reade,
William Bernard,*

Thomas Pettus,

*Henry Perry,
Nathaniel Bacon,
Francis Willis.*

The Answer of the Burgeffes to the declaration of the Honourable Governour and Council.

The House humbly presenteth, That the said dissolution as the case now standeth is not presidentall neither legall according to the lawes, now in force, Therefore wee humbly desire a revocation of the said declaration, especially seeing wee doubt not but speedily to finish the present affaires to the satisfaction of your honour and the whole country.

Subscribed,

John Smith, Speaker.

Vpon

¹ This paragraph is found neither in *Hening* nor in the *Virginia Magazine of History and Biography*, but is in the original manuscript.

Vpon which tranſactions (worne out)¹ being but three monthes abſent, *It was voted unanimouſly*, That no Burgeſſe * * * and if any ſhall depart, That he ſhall be cenſured as a perſon betraying the truſt reposed in him by his country, And the remaining to act in all things and to all intents and purpoſes as a whole and entire houſe, And further, That M^r *Speaker* ſigne nothing without the conſent of the major part of the houſe.

Voted further, That an oath of ſecrecy be adminiſtered to the Burgeſſes which was done as followeth.

The Oath.

You ſhall ſweare that as a Burgeſſe of this Houſe you ſhall not either directly or indirectly repeate nor diſcover the preſent or future tranſactions, debates or diſcourſes that are now or hereafter ſhall be tranſacted or debated on in the Houſe to any perſon or perſons whatſoever except to a Burgeſſe of this Aſſembly now preſent dūring the time of this preſent ſeſſion. So help you God and the contents of this Booke.

This oath taken by all the Burgeſſes preſent.

The reply of the honourable the Governour and Council.

Vpon your aſſurance of a ſpeedy iſſue to conclude the acts ſo near brought to a confirmation in this Aſſembly, wee are willing to come to a ſpeedy concluſion, And to reſerre the diſpute of the power of diſſolving and the legality thereof to his Highneſſe the Lord Protector;

Subſcribed,

Samuel Mathewes.
Wm. Claiborne, Sec.

Ja: Cittie, April 2d, 1658.

The Anfwer of the Burgeſſes.

The Houſe is vnanimouſly of opinion that the anſwer returned is vnſatisfactory, and deſire with as much earneſtneſs as the honourable Governour and Council have expreſſed a ſpeedy diſpatch, and propoſe, That the Governour and Council pleaſe to declare

The Houſe remains vndiſſolved that a ſpeedy period may be putt to the publique affaires.

Subſcribed,

John Smith, Speaker.

James, Ap: the 2d, 1658.

The reply of the Governour and Council.

Vpon your promiſe received of the ſpeedy and happy concluſion, Wee revoke the declaration for the diſſolution of the Aſſembly, And reſerre the diſpute of the power of diſſolving and the legality thereof to his Highneſſe the Lord Protector.

Subſcribed,

Samuell Mathewes,
Wm. Claiborne, Sec.

The Houſe, vnſatisfied with theſe anſwers, appointed a comittee to draw vp a report for manifeſtation and vindication of the Aſſembly's power which after preſentation to the Houſe to be ſent to the Governour and Council, Theſe vnderwritten being appointed the comittee:

Coll. *John Carter*, M^r *Warham Horſmenden*, Coll. *John Sidney*, Lev't. Coll. *Thomas Swann*, Major *Richard Webſter*, M^r *Jerom Ham*, Capt. *Wm. Michell*.

The ſame comittee is by the Houſe impowered to draw vp all ſuch propoſitions as any way tend to or concerne the ſettling the preſent affaires of the country and government.

The

¹ So marked in the manuſcript.

The Report of the Committee nominated for vindication and manifestation of
the Affemblyes Power.

Wee have considered the present constitution of the government of *Virginia* and do propose, That wee find by the records, The present power of government to reside in such persons as shall be empowered by the Burgeffes (the representatives of the people) who are not dissolvable by any power now extant in *Virginia*, but the House of Burgeffes

They humbly think fitt that the House do propose,

Samuel Mathewes, Esquire, to remaine Governour and Capt. Gen'll. of *Virginia*, with the full powers of that trust, And that a Councill be nominated, appointed and confirmed by the present Burgeffes convened, with the assistance of the Governour for his advice.

Vpon which Report was drawne up this Declaration.

The Burgeffes takeing into consideration the many letts and obstructions in the affaires of this Affembly and conceiving that some persons of the present councill endeavour by setting vp their own power to destroy the apparent power resident only in the burgeffes, representative of the people, as is manifest by the records of the Affembly:

Wee the said Burgeffes do declare, That we have in our selves the full power of the election and appointment of all officers in this country vntill such time as wee shall have order to the contrary from the supreme power in *England*, All which is evident vpon the Affembly records.

And for the better manifestation thereof and the present dispatch of the affaires of this country we declare as followeth:

That wee are not dissolvable by any power yet extant in *Virginia* but our owne, That all former election of Governour and Council be void and null; That the power of governour for the future shall be conferred on Coll. *Samuel Mathewes*, Esq. who by vs shall be invested with all the just rights and priviledges belonging to the Governour and Capt. Generall of *Virginia* and that a councill shall be nominated, appointed and confirmed, by the present burgeffes convened (with the advice of the Governour, for his assistance.) And that for the future none bee admitted a councillor but such who shall be nominated, appointed and confirmed by the house of Burgeffes as aforesaid, vntill further order from the supreme power in *England*.

Subscribed,

John Smith, Speaker.

By the Grand Affembly.

These are in the name of his Highnesse the Lord Protector to will and require you not to act or execute any warrant, precept or command directed to you from any other power or person then the Speaker of this hon'ble. House, whose commands you are hereby required to obey and not to decline therefrom vntill further order from vs the Burgeffes of this present Grand Affembly, hereof faile not as you will answer the contrary at your perill. Given 2d Apr. 58.

Signed,

John Smith, Speak'r.

Directed to Capt. *Robert Ellifon*, High Sheriff of *James Citty* County and Serjeant at Armes for this present Grand Affembly.

It is ordered. That whereas the supreme power of this country of *Virginia* is by this Grand Affembly declared to be resident in the Burgeffes, the representatives of the people, That in reference and obedience thereto Coll. *William Claiborne* late secretarie of state forthwith surrender and deliver the records of the country into the hands of the Speaker of this present Grand Affembly.

Coll. *Claiborne* being sent for by the sergeant at armes there was drawn vp the next ensuing order.

Whereas it hath been ordered by this present Grand Affembly, That Coll. *William Claiborne* late secretarie of state should deliver, vpon oath, all the records concerning this country of *Virginia* or any perticular member thereof vnto this present Grand Assembly,

ssembly, *These are to impower & authorize* Coll. John Carter and M^r Warham Horsmenden to receive the same in the name and behalfe of the aforefaid Grand Affsembly, and for fuch records as they fhall receive to give the faid Coll. Claiborne a full receipt and difcharge.

Whereas it appeareth by the report of the Comittee grounded upon an order of the Govern^r & Councell of ye 11th of *December*, 1656, that there was accepted by John Leare a portion given by Miftresse Streeter, the faid Leare's wife's mother, in lieu of the eftate due to her the faid Leare's wife from the eftate of M^r Thos. Oldis, dec'd, And that in relation thereto Capt. Edu^d Streeter, who married ye Executrex of ye faid Oldis had made a delivery of feveral the Goods & Chattells, by his wife to ye faid Leare's wife in confideration of her Father's Legacy formerly demised, And finding yet due from the faid Streeter to compleat & make up ye faid porcon given in Lieu of the Legacy aforefaid, Eight neat Cattle, one thoufand acres of Land, one Negro man called Abraham, *It is therefore ordered:* That ye faid Capt. Streeter forthwith make delivery of the premiffes, And make as good affurance of the Land as by law he may or can, unto ye faid Leare or affigns, with fix hundred pounds of tobacco damages & cofts of fuite *als* Execution.

Whereas by act of Affsembly held at *James City* in *March* now paff, It is enacted, That all Aliens & Strangers which have inhabited this Country foure yeares & are firmly refolved to make this Country the place of their conftant Residence, fhould be free Denizens of this Collony & thereby be invefted with all priviledges they are in any way capable of.

This Grand Affsembly upon the petition of William Wefterhouse, a *Dutchman*, have hereby declared, approved and made the faid Wefterhouse a Free Denizen of Virginia, giving thereby & granting unto ye faid Wefterhouse full power and priviledge to purchase, hold & difpofe of Lands. To trade & traffique & all other law^l priviledges & Imunities to be invefted with & enjoy, in as full & ample manner to all intents & purpofes as if he had been an *Englifhman* borne (The bearing of publique offices & impioyments Exempted), with which Denizacon his children alfo may be invefted with, Allwaies *provided* that in the County Court where he or they do or fhall refide, he and they fhall take an oath of Fidelity to the government of this Country, which oath is to be adminiftered by the Com^{rs} of the faid County Court & there to be Recorded.

Denization iffued in the forme above fpecified to George Hacke, Chirurgion, being a *German* borne, now refident in the County of *North'ton*.

Comiffion for Naturalizacon iffued out to M^r William & John Cufitis in the forme above, onely they & their iffue are capeable of bearing office, they being borne of *Englifh* parents.

Lambert Grooten, of Accomack, Minor Dowdas, of ye *Ife* of *Wight* County, and John Abraham, of ———, *Dutchmen*, had Comiffion of Denizacon granted them as above.

Whereas at a Quarter Court held at *James City* the 13th of *October*, 1656, Nicholas Trotte, obtained order ag^t Thomas Bufhrod for prefent paym^t three thoufand two hundred twenty-fower pounds of tobacco and Caske, from which the faid Bufhrod appealed to ye Affsembly, exhibiting in his petition to them that he had tendred tobacco to the faid Trotte for fatisfaction of the faid order, & all other bills due (as the faid order of Court was), out of his own Crop; But it appearing upon full Examination of the bufineis, That ye tobacco was never legally tendred nor ye Viewers legally qualified, nor that they were all prefent at one time, nor that any notice was given of it to M^r Trotte, nor that all the Viewers make a report of the tobacco being good. And Further the faid Bufhrod not makeing his tender untill the fhipping neare gone * * * *Asfembly have therefore ordered* That * * * Tobacco the faid Bufhrod do make prefent payment of the fum of 3,224 lbs. of principall, well conditioned, sweet fented Tobacco, according to Act of Affsembly & Caske out of his own Crop, made at his own plantation he dwells upon called *Effex Lodge*, The faid Tobacco being purchafed by the faid Trotte at four pence *per* pound, And likewife that the faid Bufhrod pay unto the faid Trotte

Thirty-five

Thirty-five pound *Sterling* in tobacco, qualified according to Act at three halfe pence ʒ lb., And three hundred pound of Tobacco for Charge & Damages with Costs of suit *als* Execution.

The fuit Between Lef^t Coll^o *Miles Cary* & M^r *John Brewer* in behalfe of the Inhabitants of *Stanly* hundred, plaintiffs & M^r *John Harlowe*, Defend^t, in respect of the preterjudiciall bringing ye said suite before ye Assembly & the said *Harlowe* never summoned, is disniffed.

April the 3d, 1658.

THE committee appointed for manifestation of the countreys power did this day by order of the house present to the Governour the forme of the oath to be taken by him and the Councill, which by him was approved and a list of those he desired to be of his councill presented by him to the house.

The Oath.

I doe sweare that as Governour and Capt. Gen^{ll}. of *Virginia*, I will, from time to time to the best of my vnderstanding and conscience deliver my opinion in all cases for the good and wellfare of this plantation of *Virginia*, And I do also sweare that as a minister of justice in *Virginia*, I will, to the best of my judgment and conscience, do equall right and justice vnto all persons in all causes when I shall bee therevnto called, according to the knowne laws of *England* or acts of Assembly which are or shall be in force for the time being without favour, affection, partiality or malice or any by respect whatsoever, Neither will I, directly or indirectly give counsell or advice in any cause depending before me, So help me God.

The names of the Councillors nominated by the Governour and approved by the House.

S: Coll. *Samuell Mathewes*, Esq'r. Governour and Capt. Gen'l. of Virginia.
Richard Bennett, Coll. *John West*,

S: Coll. Wm. Claiborne,
Secretary of State,

S: Coll. *Tho's. Pettus*,

Coll. Hill,

S: Coll. *Obedience Robins*,

Coll. *Thomas Dew*,

Capt. *Henry Perry,*

S: Coll. *Wm. Bernard*,

Le'tt. Coll. *John Walker,*

S: Coll. George Reade,

Coll. *Abraham Wood*,

Esquires.

Coll. John Carter,

M^r Warham Horsmenden,

Le't. Coll. Anto Ellyotte.

These 3 laſt not to be ſworne vntill the diffolution of the Affembly.

These marked in the margent with the letter S: where then fworne in the forme expressed, their titles onely changed.

[Some of the Proceedings of the House of Burgeffes for the 1658/59 Session.]

[*March 1, 1658/59.*]

THE Burgeffes of the severall counties being returned by the Sheriffes and this day making their appearance in the House, there was by the vnanimous vote of all then present (being thirty in number) chofon, Coll. *Edward Hill*, Speaker, and being by them presented to the Governour from him received approbation.

Whereas Coll. *Moore ffantleroy* not being present in the House at the election of the Speaker moved against him as if clandestinely elected and taxed the House of vnwarrantable proceedings therein, *It is ordered*, That the said Coll. *ffantleroy* be suspended vntill tomorrow morning, when vpon his submission he may be readmitted.

The House adjourned vntill *Tuesday* morning.

March the 8th, 1658/9.

THE House being mett, Coll. *Fantleroy* acknowledging his error, was re-admitted and the order for suspension reversed.

Orders for observacion of good order in the House being this day read are generally assented to and ordered to be recorded.

Orders in the House.

1. That no Burgeffe shall absent himselfe from attendance on the House without leave first obtained (vnlesse prevented by sicknesse) when any matter shall be debated of; But that every member shall keepe good order, and give due attention to the reading or debateing of whatsoever shall be proposed or presented to the consideration of the House: And that every Burgeffe shall, with due respect, addresse himselfe to Mr *Speaker* in a decent manner, And not entertaine any private discourse, while the publique affairs are treated off.

2. That any member of this house for everie time of his absence vpon call of the clerke shall forfeit twenty pounds of tobacco to be disposed of by the major part of the house vpon every *Saturday* in the afternoon, lawfull impediments excepted.

3. That the first time any member of this house shall by the major part of the house [be] adjudged to be disguised with overmuch drinke he shall forfeit one hundred pounds of tobacco, and for the second time he shall be soe disguised, he shall forfeit 300 of tob'o. and for the 3d offence 1000 lb. tobacco.

4. That vpon debate of any thing proposed by the Speaker, The party that speaketh shall rise from his seate and be vncovered dureing the time he speaketh, wherein no interruption shall be made vntill he have finished his discourse, vpon the penalty of one hundred pounds of tob'o.

5. That no irreverent or indigne forme of speech be vttered in the House by any person against another member of this House, vpon the penalty of five hundred pounds of tobacco, The House to be judge therein and the severall fines to be disposed of by the House as abovesaid.

Coll.

¹ See the notes as to the source of the text of the 1654/55 session and the 1657/58 session.

Coll. *John Sidney* was ordered by the House to go to the Governour and request the appointment of some of the Council to administer the oath to the Burgessees, whereupon were sent Coll. *William Claiborne*, Coll. *William Bernard* and Coll. *Thomas Dewe*, who administered the oath to the Burgessees in forme following.

The Oath.

You and every of you shall swear vpon the holy Evangelist and in the sight of God to deliver your opinions faithfully, justly and honestly according to your best understanding and conscience for the generall good and prosperity of this country and every perticular member thereof, And to do your utmost endeavour to prosecute that without mingling with it any perticular interest of any person or persons whatsoever, So helpe you God and the contents of this booke.

Post Meridiem.

COLL. *Collclough* and *Giles Webb* were sent by the House to acquaint the Governour's honour that the house attended his pleasure; Who coming in caused a letter directed to him and the councill to be read.

The Letter.

Duplicate.

Gentlemen, His late Highnesse the Lord Protector, from that generall respect which he had to the good and safety of all the people of his dominion, Whether in these nations or in the *English* plantations abroad did extend his care to his collony in *Virginia*, The present condition and affaires whereof appearing vnder some vnsettledness through the looseness of the government, The supplying of that defect hath been taken into serious consideration and some resolutions past in order therevnto which we suppose would have been brought into act by this time if the Lord had continued life and health to his said Highnesse; but it hath pleased the Lord on *ffriday* the third of this moneth to take him out of the world, his said highnesse haveing in his life time according to the humble petition and advise appointed and declared the most noble and illustrious Lord, the Lord *Richard*, eldest sonne to his late Highnesse to be his successor, who hath been accordingly with generall consent and applause of all proclaimed protector of this Comon-Wealth of *England*, *Scotland* and *Ireland* and the dominions and territories therevnto belonging, And therefore wee have thought fitt to signifie the same vnto you, whom wee require according to your duty that you cause his said highnesse *Richard*, Lord Protector, forthwith to be proclaimed in all parts of your collony, And his Highnesse Council have thought fitt hereby to assure you that the settlement of that collony is not neglected and to lett you know that you may expect shortly to receive a more expresse testimony of his Highness care in that behalfe; till the further perfecting whereof, their Lordships do will and require you the present Governour and Council there to apply yourselves with all serioufness, faithfullnesse and circumspection to the peaceable and orderly management of the affaires of that collony according to such good lawes and customes (not repugnant to the lawes of *England*) as have been heretofore vsed and exercised among you improveing your best endeavors, as for maintaining the civil peace, so for promoting the interest of religion, wherein you will receive from hence all just countenance and encouragement, And if any person shall presume by any vndue wayes to interrupt the quiet or hazard the safety of his Highnesse people there, Order will be taken (vpon the representation of such proceedings) to make further provision for securing of your peace in such a way as shall be found meet and necessary, and for calling those to a strict acco't, who shall endeavour to disturbe it.

Signed in the name and by the order of the Council,
Whitehall, 7th September, 1638.

He: *Lawrence*, Presid't.

Superfcription.

Superfcription.

To the Governour and Councill of his Highnesse Collony of Virginia.

The letter being read was propofed whether the Houfe fhould have time to debate on their acceptance and approbation of that letter.

Refolved they fhould have time to confider of it.

In reference to which the Governour and Councill departed and then was propofed, whether the letter in that part that requires obedience to his Highnesse *Richard*, Lord Protector, fhould be affented to.

Refolved generally and vnanimoufly in the affirmative.

2. Whether the letter fent be accepted as an authentique manifestation of their Lordships' intentions for the government of this countrey.

Voted—That wee owne the power and the whole contents thereof, After which the Houfe adjourned vntill *Wednes*day morning.

March the 9th, 1658.

THE Houfe being mett, The Speaker declared the intentions of the Governor and Councill in tender care of the good of this country to affift the Affembly in makeing addreffes to his Highnesse for confirmation of the priuiledge granted to the country in electing their own officers, in which the Houfe defired to be fatisfied from the Governour's owne expreffions. In reference to which, *M^r Bacon*, *M^r Horfmen*, *L^t. Coll. Carter* and *Capt. Fowke* were fent to defire his honor to come to the Houfe and affirme it which accordingly he did as followeth, *vizt* He acknowledged the fupream power of electing officers to be by the prefent lawes resident in the Grand Affembly, And that he would joyne his beft affiftance with the countrey in makeing an addresse to his Highnesse for confirmation of their prefent priuiledges, And that for this reafon, That what was their priuiledge now might be his or their pofterities hereafter.

The committee appointed to draw vp the addreffes of the country to his Highnefs, to whom were added of the Councill, *Coll. Wm. Claiborne*, *Coll. John Walker*, *Coll. John Carter*, *Capt. Francis Willis*, *M^r Nathaniel Bacon*, *M^r Warham Horfmen*.

The Committee for private Caufes.

Le't Coll. Edward Carter, *Coll. John Sidney*, *Coll. Moore Fantleroy*, *M^r Henry Corbin*, *Captain George Jordan*, *Major Lemuel Mafon*.

The Comittee for review and regulation of the Aëts, and to make Report of the inconueniencies or requifite alterations.

Le't Coll John Stringer, *Col. Robert Pitte*, *Capt. William Whittacre*, *Major Iofeph Crowfhaw*, *M^r George Collclough*, *M^r William Blacke*.

William Parry tendring a petition to the Houfe for a reliefe to be allowed by the publique in regard of his loffes by fire, age and impotency had his faid petition ejected.

Complaint being made to the Affembly by *Le't Coll. Miles Cary* and *M^r Henry Corben* two of the collectors of the impofition of two fhillings *per hhd* That *Thomas James*, mafter of the *Ant'o. of London*, *David Welldy*, mafter of the fhipp belonging to *Southampton*, *M^r Henry Haines*, mafter of the *Robt. Capt. Peter Wraxall*, commander of the *Good Will*, *M^r Richard Sellacke*, mafter of the *Recovery* all of *Briftoll*, *M^r Nicholas Smith*, comander of the *Dolphin* of *Amfterdam*, *M^r Samuella Groom*, commander of the *Dove*, And *Capt. Richard Hufbands*, comander of the *Recovery* of *London* refufed to give caution for payment of the faid Levy according to the tenor of the aë in that cafe provided: *It is ordered* that Warrants iffue forth vnder the hands of the Governour and Speaker ffor the immediate perfonall appearance of the perfons abovesaid before them and the Grand Affembly.

The Houfe adjourned vntill *Thurf*day morning.

March

March the 10th, 1658.

WHEREAS certaine persons of the county of Surry complained by petition, That one of their Burgeffes was vnduely elected, and prayed, That M^r Thomas Warren might be admitted to implead the sheriffe for his return, which being granted and the said M^r Warren averring, That there was no fault in the sheriffe, The election, returne and Burgeffe were thereupon all approved.

It is ordered, That M^r Henry Haines stand comitted vntill he give bond with security for payment of the levy of two shillings *per hhd*.

The remaining part of this day and the eleaventh and twelveth being spent in severall propositions and messages past between the Governour and Councill.

March the 13th, 1658.

COLL. John Carter, M^r Warham Horfmonden & Capt. Francis Willis, Capt. Warner, Le'tt. Coll. Carter were by the House sent to the Governor and Councill for their assent to the last proposition concerning the establisshing the government.

The Governour and Councill's Answer to the Burgeffes Proposition.

To shew our desire and compliance for the peace of the collony, wee shall consent till the pleasure of his Highness be further signified.

Wherevpon the proposition was drawn vp into an act and signed by the Governour and Speaker and by beat of drum proclaimed.

Whereas Solomon Martin hath scandalously objected against Coll. Wm. Bernard, a Councillor of State, that he could make his servants swear what he would, *The House hath comited* the said Martin to prison vntill Monday morning for his offence.

Whereas order for pattering the land of the Wiccacomoco Indians in Northumberland county vpon the said Indians deserting the said land was granted to the honourable Samuel Mathewes, Esq. Governour, &c. the twenty-seaventh day of November, 1657, and confirmed by another order of the quarter court, dated the eleaventh of March, 1658, and that grounded vppon the desire of the said Indians to surrender the same to his honour, *The Assembly hath thought fitt* to ratifye the said grants, and do hereby confirme the same, *Provided* that no intrenchment be made vpon any preceding rights of Coll. Richard Lee.

March the 15th, 1658.

PROPOSED, Whether Coll. John Carter, M^r Warham Horfmonden and Le'tt. Coll. Anto. Elliott should, by vertue of their last election continue councellors or be referred to a further confirmation.

Resolved that they should be referred to a new election.

To the quere of the Governour and Councill referred to the consideration of the Assembly, March the 11th, 1658, *in causa, Elizab: Perry vs. Thomas Davies*, After long suite judgment given. execution served, A new suite is againe renewed by Davis in chancery, And then Davis appealing to the Assembly whether his appeale must be allowed, hee neither charging the court with error, injustice or partiality.

Upon the Petition of W^m Daines, for admittance of his appeale, It is assented to by the house and a hearing granted.¹

Vpon the petition of Coll. Henry Browne shewing, That he was impleaded by John Jennings, overseer of the estate of Robert Morflay, dec'd, to recover a debt without ground leaves which was made for tobacco then merchantable att the date of the bill,

And

¹ This paragraph is in neither *Hening* nor the *Virginia Magazine of History and Biography*, but is found in the original manuscript.

And *Surry* county court haveing granted an order for payment of the said debt in tobacco cleer of ground leaves, according to the tenor of the act of Asssembly now in force, *It is ordered*, That the order of *Surry* county court be reverfed; And that the said *Jennings* forthwith repay vnto the said Coll. *Browne* the overplus of the tobacco and caske received by vertue of the said order of *Surry* court with costs *als.* exec'on.

Upon the petition of *John Custis* shewing his *English* descent, though of foreign birth & craveing this honourable Asssembly to restore him to the freedom of his parents. *It is ordered* accordingly that a Commission of Naturalizacon shall be granted him, he taking the oath of Fidelity to the Government.

Upon the petition of *Lambert Grooten* shewing his long residence and Resolution of continuance in this Country craveing therefore a Comission of Denization might be granted him. *It is ordered* therefore that he takeing his Oath of fidelity to the Government his Commission for Denization shall be granted him.—P.N., 10.

John Abraham upon his petition hath obtained like concesson & order for his Denizacon.

Minor Dowdas upon his petition hath obtained like Grant & order for his Comission of Denization as abovesaid.—P. N., 12.

APPENDIX.

Appendix.

[From a manuscript in the Library of Congress. MS. Rec. *Virginia Co.*, III, pt. II, p. 49.]

[Law Against Improper Contracts of Marriage.]

WHEREAS to the great contempt of the Ma^{tie} of God and ill example to others, certain women within this Colony have of late contrary to the Lawes ecclesiasticall of the Realme of *England* contracted themselves to two severall men at one time, whereby much troble doth growe betweene parties; and the Governo^r and Counsell of Estate, thereby much disquieted: To prevent the like offence in others hereafter, *It is by the Governor & Counsell ordered in Court*, that every Minister give notice in his Church to his parishoners, that what man or woman soever shall hereafter use any worde or speech tending to a contract of Mariag vnto two severall persons at one time (though not p^rcise and legall yet so as may intangle and breed strugle in their Consciences) shall for such their offence vnd^rgo either corporall punishm^t (as whippinge &c) or other punishm^t by fyne, or otherwise, according to the qualitie of the person so offending. Given at *James Cittie* this 24th of *June* 1624.

[From a manuscript in the Library of Congress.]

[Letter from the Governor and Council of *Virginia*.]

To *Henry Vicount Mandeville*

Right Hono^{ble}

IT hath pleased his moste gracious Ma^{tie} to direct his Royall L^{tes} to y^e Gou^rnor Councell & Colony of *Virginia*, signifying his pleasure to take the Comodity of Tobacco to his owne imediate use, & requiring that we should here contract wth the Burgesies of the sev^lall Plantations for the same on his behalf, togeather wth instructions to that purpose from the atturney gen^lall, whereunto may it please yo^r Lo^p in all humbleneis of duty wee have returned our an^sweare (as we were required) [in?] our Petitions & gen^lall declarations sent in these ships, Humbly shewing vnto his Highness, the great p^rjudice that this Colony hath receaved by div^s contracts made wholly wthout our consents or privity, & sett on foote by avaritious and unconscionable men intending their owne private lucre & gaine, in the snares whereof we have continu[ally?] for the 6 yeares beene entangled & miserably p^rplexed; to the gen^lall discouragement of all men, & hinderance of the proceedings of this Plantation, w^{ch} otherwise would [have?] manifested better effects of more staple comodities soe long expected of us, for the p^rfecting whereof, wee are disabled by our pou^{ty}, whilest our affaires remaine [unsecure?] & uncertaine, & we in feare to be made slaves to those men from whose * * * & wide consciences wee expect noe mercy. But since all form^r contracts are [dissolved?] & that his Ma^{tie} hath beene pleased to extend his Princely care for the establishment [of?] this Colonie, w^{ch} wthout the sup^rportation of his Royall hand must necessarily sincke Wee have regained new hopes to our dis^rparing minds in assured confidance that all factions silenced, & the private intentions of others p^rvented, our iust Petitions [will?] receive a favorable admittance

¹ This manuscript is in a very poor state of preservation, the edges being considerably frayed and the writing in places indistinct. Where possible the omissions of the text have been supplied, conjecturally, in brackets; and where conjecture failed, asterisks have been inserted.

This note applies, also, to most of the other Library of Congress manuscripts printed in this Appendix.

admittance & hearing; In the w^{ch} wee the gou'no^r & [Councill?] in the name of the whole Colony doe implore the continuance of yo^r [Lo^{pps} favour?] towards vs, that as heretofore yo^r Lo^{pp} hath beene the greateft meanes [to protect us from?] thes form^r contracts, for w^{ch} wee returne our humbleft thanks vnto yo^r [Lo^{pp}, wee hope that?] now againe by yo^r iuftice & goodnes wee may be p^tected againft [the extortions?] and avarife of thofe men, who have beene fo thirfty of our mifery & ruine; Wee rather defiringe to become feruants vnto his Ma^{tie} by the proffitt of our labours, then vnto ones that fhould vnderhand contract for the fame; Thus wifhing vnto yo^r Hono^r all increafe of goodnes & imortall happines we reft

Virginia the
30th of March 1628.

Att yo^r L^{pps} Comaund

Francis West

John Pott
Sam Mathewes

Roger Smyth
William Claibourne
William Tucker

[From a manuscript in the Library of Congress.]

[Letter from the Governor and Council of *Virginia*.]

To *Edw: Earle of Dorsett*

Right Hono^{ble}

MAY it please yo^r Hono^r to accept from vs the gou'no^r Councell & Colony of *Virginia* the humble acknowledgm^t of our thankfullnes for yo^r Lo^{pps} continuall favour towards vs, and this Plantation w^{ch} as it hath eu^r appeared by yo^r noble inclination to aduance the p^{ro}ceedings thereof, ice more p^{ar}ticular-ly by ou^tthrowing thofe late contracts on our Tobacco, intended & made wthout our confents, to the difannuling whereof yo^r Lo^{pp} gave the furtherance & power that p^{ro}duced foe good an effect, w^{ch} otherwife had tended to our mifery & ruine, Wherefore wee are againe invited to imbolden ourfelues on yo^r wonted goodnes & iuftice, by w^{ch} we desire to be protected againft thes harmes, & implore the Continuance of yo^r hono^{ble} favour to this Colony, now againe enfnared in the fame toyles, & likely to fuffer extreame p^{re}iudice by new contracts, w^{ch} wee feare are proiected by thofe men, whose ends are their private gaines & lucre, and not the p^{ro}ffit of his Ma^{tie} or the welfare of this State, Wee haue receaved his Ma^{ties} moft gratious Letters & Inftuctions from *S^r Robert Heath* Attorney Gen^{all} concerning the fame, & by our publique declarations (according as wee are required) haue returned our humble anfwere vnto his Highnes: And wee hope his Royall Ma^{tie} wilbe pleafed gratioufly to heare our iuft Petitions to our relief & eftablifhm^t, & put an end to thefe long troubles, whereby our affaires haue beene exceedingly p^{re}plexed, In the w^{ch} wee humble begg yo^r Lo^{pps} meadiations & Councells, Thus praying for yo^r Hono^rs welfare & felicity we reft

Att yo^r Comaund

Francis West

John Pott
Samuel Mathewes

Roger Smyth
William Claybourne

Virginia the
30th of March 1628.

Willm Tucker

[From

might not loofe his benefitt thereby: it were much better that bond might be taken here in *England* and alfoe in *Ireland* of all fuch fhipps as lade hence for thofe partes feing the Governo^r is not to permitt trade there wth any forrayners and by this meanes it will be manifft by their Corkettes.

Endorfed by Secretary *Dorchefter*, "The Government of *Virginia's* Memorial."

[From a manuscript in the Library of Congress.]

[Letter from the Governor and Council in *Virginia* to the Privy Council in *England*.]

Right Hon^{ble}

Wee cannot but acknowledge the great goodnes of God, that hath ftirred vpp the hart of his moft excellent Ma^{tie} gratiouſlie to reflect his royall Eye vppon this Colony to eftabliſh it to a new life, from the lowe declention wherunto it was fallen, And wee earneſtly deſire yo^r honors, to p^{re}ſent our moft humble Thankes vnto his moft Sacred Ma^{tie} And wee cannot but acknowledge the hand of heauen alſo, that hath not ſuffered, the zeale of this plantation, to die out of the boſoms of yo^w, Right Honable, beinge the perſonages that ſoe nobly haue given, beginninge, Supportation & p^{ro}greſſe vnto it, whereby wee hope after ſoe longe a tyme, wherein nothinge hath beene begotten, from hence, but one of the moſt vnneceſſarie Comodities, nowe at length to manifft ſome better fruites of ſoe great expence of men and money waſted and conſumed on itt, wee haue latelie ſumoned an aſſembly, wherein wee haue continued longe togeather in Conſultation of all fuch orders as we haue thought moſt neceſſarye for the p^{re}ſent Gouvernm^t heere, of w^{ch} wee haue ſent yo^w the Coppies beſeechinge yo^r Lor^{ſhips} approbation, and favorable interpretation, to our good intentions, eſpecially to thoſe thinges, wherein wee haue anythinge fayled, or p^{re}ceeded to farr, to regulate thoſe matters, w^{ch} wee would otherwiſe haue left vntouched, had not the neceſſitie of the tyme required itt, that is, the ſtate of the Church affayres, wee wilbe bould to informe yo^r Lor^{ſhips} that wth a moſt vnanimous Conſent, both of the Gouverno^r, and Counſell & all the Burgiſſes, thoſe ordinances and lawes were firmeſtly eſtabliſhed, and wee hope that the publique ſervice hath ſoe vnited our mynds that noe privat reſpects will diſioyne or divert o^r harts and intentions, yf any error haue ouertaken our weake abilities not Converſaunt in ſuch affayres, wee deſire nothinge more, then to be reſtored, to the right pathes, but it was neceſſarie to Comprehend in our bodie all fuch p^{ar}ticular orders, as this Colony requires, diverſified from the p^{re}ſident of other Comonwealthes, And wee deſire that Act w^{ch} ſetts the price of our Tobacco at 6^d p^{er} lb. may not be thought ſtrange, of w^{ch} to give yo^w the motiues would make theſe tedious, And in part the Aſſemblye haue given yo^w the reaſon, and ſome of the Comiſſioners can informe yo^w of former p^{re}ſidents, heere in that kind, and wee are ſure that no evils can enſue of ſoe great p^{re}judice, as the want of ſuch an order hath now brought vppon vs, By the former ſhipps, our letters haue p^{ar}ticularlie informed yo^r Lor^{ſhips}, of the moſt neceſſarie poynts, w^{ch} wee now agayne beſeech yo^w may rather obtayne Credit then any ſiniſter informations our p^{re}ſents ſuggeſted vnto yo^w by vnexperienced men, Leade often tymes wth priuate reſpects for o^r parts we ſhall ſubmitt to yo^r hon^{rs} direccions rather wiſhing that the moſt neceſſarie workes, may be fixed on, And thoſe w^{ch} are to be firſt in order of tyme, then by imbraceinge many to fayle in all, Aboue all wee wiſh that good and godly myniſters would repayre vnto us, And that numbers of people may be ſent, In multitudes of hands Conſiſts ſtrength, And the difficultie of groſſe workes will not otherwiſe be vanquiſhed, They neede not doubt in p^{ro}viſion of victualls eſpecially yf any price be giuen vnto vs for our Corne, And wee will endeavour

to

to receiue them wth all good accomodations, Tradersmen are wantinge, especially Shipwrights, Smythes, Carpenters, Tanners, Leatherdressers, Hempdressers, And Brick-makers, and Bricklayers for now wee intend our houses for decencie and Commoditie This inclosed abstract of the muster, will giue light to a generall vewe That there may be nothinge wantinge to yeald yo^r full satisfaction. Of Iron Oare Capt. *Tucker* hath taken in some quantitie from a place adioyninge neere vnto vs, and as wee Conceauie fitt to sett vpp a worke, whereas helpe will be readie at hand, yf it proue good, but want of men that Can Judge of the myne, & instruct vs in digginge [for it?] is the Cause that there hath beene none prouided from the fallinge Crecke, yf any undertake this worke they shall be sure of our Corne and hog flesh, and Beife at as Cheape rates as in *England*, wee haue sent the Transcript of our p^{re}cedinges, about S^r *Samuell Argolls* Catle, belonging to M^r *Woodall*, And befeech yo^r hon^{rs} finall decree in the Cause especially in the land called the Gouverno^r land *Southampton* hundred Cattle now after the deuision of S^r *Samuell Argolls* stocke are about 120 head, and theire numbers increasinge, It will be needfull, it will be needfull the owners should take order, how and where they should bee kept, *Martins* hundred Cattle wholly perteyneth to S^r *Samuell Argoll*, * * * * the small remaynes of them are restored, *Barkley* hundred Catle are much encreased, & the better part of them found belonging to those adventurers * * *. A third of them to S^r *Samuell Argoll*, Wee further pray to be directed concerninge the lands and deuidents heere that a firme establisht may bee made, otherwise aftertymes in the Groath of the Colony will tast the bitter fruit of diffention and not easilie finde remedie, The generall hundreds be vnplanted and vn supplied, as likewise many planters deuidents, who are dead and no heires to be heard of, w^{ch} will in short tyme, cause vs almost to leave this river & goe to free places, wherefore wee thinke it were a lesse mischeife, that yf they plant them not in Convenient tymes, others may take them, and they to choose theire deuidents eifewhere, Soe should wee not vnneecessarilie stragle, in foe disioyned parties, The rents also reserved one [on] the patents should nowe be demaunded, wth the arrerages but wee desire yo^r hon^{rs} instructions for it, And in the rest wee referr you to the Burgesies L^{res}, The planters are carryed wth a great forwardnes to seeke Trade abroad, to w^{ch} purpose wee haue now 7 or 8 pinnaces & Barques, bound to *New England* and the Northward, In short tyme wee shall looke further of, therefore desire that no impedimnt may be put to hinder our free trade, where o^r comodities except our Tobacco will find best vent. wee haue thought good to p^{er}mitt some to goe to the *Dutch* plantation to furnish our selves wth horses, Assinicoes, sheepe, and aboue all *English* Grayne, of w^{ch} haueinge seed, wee hope it will, appeare, wee shall abound in as full apportion thereof, as now wee doe of Indian Corne, And hereby wee shall be the better acquaynted, wth theire trade, and manner of subsistence, who haue so wrongfully intruded vppon our territories, In respect whereof wee pray to be directed, vppon what termes wee shall stand wth them of which wee most humbly desire to be resolved, and in the interim wee will be carefull to obserue yo^r hon^{able} directions and euer remayne

Yo^r Lorpps most humbly devoted

March 1631

John Harvey
John West
Samuell Mathewes
Willm Clayborne
Wm. farrar
Henry finch
Rich Stephens
Nath Bassie
John Utye
Thomas Purifie
W^m Peirce

[From

[From the *Bancroft Transcripts*, *New York Public Library*, IV, 419-420.]

[The 20th Act of the Grand Assembly of 1636/37.]

At a Grand Assembly holden at *James Cittie*
the 20th of *February* 1636.

Present

Sir *John Harvey* Knight, Govern^r &
M^r *Richard Kemp*, Secretary &
Serjeant Major *George Donne*.
Capt: *Thomas Purifye*
Capt: *Henery Browne*
Capt: *John Hobson*
Capt: *Adam Thorowgood*.
M^r *William Brocas*.

Together wth the Burgeffes names.

BE yt alſo Enacted that there be an Office erected and an Officer appointed by the Gov^r and Counſell who ſhall keepe Register of all the Tobacco, and other Commodities exported And that his Fee and allowance be two pence ꝑ cask for the Tobacco, and after the ſame rate for other goods, w^{ch} is to be payd unto the ſayd officer by the Maſters of Shippes when they bring in their Invoices to the Office, and to be repayed by the Owners of the goods before the deliiverye of them

Extrahit, et Examin ꝑ me

Rich Kemp, Secret:

[From the *Bancroft Transcripts*, *New York Public Library*, V, 1-5.]

[Letter from Secretary *Richard Kemp* to Sir *Francis Windebanke*, dated
April 6, 1638.]

Right Hono^{ble}

Yo^r may pleaſe herewth to receive my humble tender of the Acts and the whole proceedings paſſed in writing this laſt Affembly. When I firſt declared the Kings Propoſitions to them (according as my deutye injoynd mee) I urged theire deutye, together wth the neceſſitye of theire yeilding to them, by inſtancing how farr theire povertye had growen and increaſed upon them by the continuation of theire exceſſive planting of theire Tobaccoes, having noe conſideration eyther to Commodities of more worthy conſequence, or what is greater in Providence to the meanes of ſuſſiſtance, inferring from thence the benefitt of a Contract w^{ch} might afford them a larger proffitt, as alſo more tyme and Vacancye to attend more noble Indeavors. What wee could winn upon them by all poſſible meanes wee could uſe, theire Anſwere in its naturall colours wthowt alteration preſented will informe.

Nor doe I conceive (under yo^r Hon^{rs} favour) a Contract will ever be brought to effect if it dependes upon the yeilding of an Affembly. And if it paſſe otherwyſe wthowt obliging all other *English* Plantations I may juſtly alſo feare the Ruine & unpeopling of the Colonye.

I beſeech yo^r Hono^r to give me leave, owt of my deutye, to informe the more generall voyce of the people heere. They are of late more then heretofore given to affect good buildings, ſcarce any Inhabitant but hath his garden and Orchard planted.

Few there are but indeavour the raiſing of Stocks of Cattell or Hoggs or both, wth much labour and paines, conſidering the neighbourhood of the Salvages, who are ever awake to miſcheifs and injuries of ipoile, even in the ſtreighteſt time of peace.

Yf

Yf (say they) ou^r Tobaccoe from whence wee yett fetch ou^r Maintenance muft fall into a Contract, all shipping will deferit us, excepting fome few belonging to the Contractors, where is then the Incouragement to the breeding of Cattell or Hoggs when the meanes whereby to vent them is abridged us. And what is worfe in confequence, the Collonye will in fhort tyme melt to nothing for want of fupplies in people, for of the hundred w^{ch} are yearely tranfported, fcarce any but are brought in as Merchandize to make fale of, nor can the Planters generally better provide, when this yeare they cannot promife to themfelves abilitye to purchafe a fervant the next yeare, nor untill theire Crops of Tobaccoe be taken downe. Thus farr, from my deuty to the fervice, w^{ch} I humbly fubmitt to yo^r Hono^{rs} better Iudgment. Refting

Yo^r Hono^{rs} humbly to ferve yo^w

Richard Kemp.

Point Comfort

this 6th of April 1638.

(Indorfed)

"To the Right Hono^{ble}

Sr. Francis Windebank Knight Principall Secretary to his Ma^{tie} thefe prefent"

[From *Hening's Statutes at Large*, I, 382, 383.]

[Bill of Sale of the fhip *Leopoldus* to *Walter Chiles*.]

WHEREAS the fhip *Leopoldus* of *Dunkirk* hath by the grand affembly of this country been adjudged forfeit and accordingly confifcated according to the act of parliament for increafe of navigation, *Now know all men to whom thefe presents fhall come* that we the fubfcribers authorized by the faid Grand Affembly do ffor and in confideration of the fume of four hundred pounds *fterling* paid by *Ltt. Coll. Walter Chiles* of this colony for the ufe of this colony before the fealing and delivery hereof acquit and difcharge him, give, grant, bargain, fell affigne and fet over the faid fhip named *Leopoldus* about the burthen of three hundred tons with her guns, tackle, apparel and furniture and whatfoever belongeth or appertaineth to the faid fhip unto the faid *Lieut. Coll. Chiles*, his heirs and affigns for ever, To have and to hold the faid fhip with all her faid guns, tackle, apparel and furniture to him the [faid] *Walter Chiles*, his heirs, and affigns for ever without any let, hinderance, moleftation or difturbance of any perfon or perfons whatfoever claiming any right, title or intereft to the faid fhip in the behalf of this colony or the commonwealth of *England*, We hereby in the behalf of the Grand Affembly warranting the fame unto the faid *Lieut. Coll. Walter Chiles*, his heirs, ex^{rs}. administrators, *In witnefs whereof* we have hereunto fet our hands and feals and caufed this our act to be register'd in the records of this colony of *Virginia* the twelveth of *July*, 1653.

Ri. Bennett, Seal.

Wm. Whitby Speaker of the Houfe of Burgefles.

In prefentia mea,

Wm. Clayborne, Sec.

Geo. Fletcher.

Robt. Huberd.

John Corker, Cl. to the Houfe
of Burgefles.

[From

[From the Public Record Office, London. S. P. Domestic Interregnum I, 75. pp. 27-28.]

[Letter from *Henry Lawrence*, Lord President, and Council of State to the Governor and General Assembly of *Virginia*.]

Saturday 31th Decemb^r 1653 afternoone.

M ^r Lawrence Lo: Pr ^t	M: G: Desbrow.	S ^r A: A: Cooper
M ^r Strickland.	Col: Sydenham.	Col Jones.
Col Mountagu	S ^r Cha: Wolfley.	

Lord Protector present.

* * * * *

A Letter prepared for the Governor and Generall Assembly of *Virginia* was now read and approved of.

To the Governor and Generall Assembly of the English Plantation of *Virginia*.

Gentlemen.

Colonell *Mathews* the Agent for *Virginia*, hath diligently attended the dispatch of some busineses referring to the peace and settlement of that Colony, The perfecting whereof hath beene obstructed by the many publique affaires here depending. And now it haveing pleased God (who is the great disposer of all humane occurrences) in his great wisedome, and according to the Councell of his owne will, to alter the Government of this Commonwealth, by intrusting the same unto a Lord Protector and Successive Trienniall Parliaments. And *Oliver Cromwell* Captayne Generall of all the forces of this Commonwealth, being declared the present Lord Protector thereof, (as you may perceive by the platforme of government herewth sent you, and the proclamation thereunto annexed, which you are forthwith after receipt hereof, to Cause to be published) address hath been made unto his Highnes by Colonell *Mathews* petition, for the determining of those matters, which have so long depended. Whereupon his Highnes hath been pleased, to put into an effectuall way the speedy resolution of those questions, betwixt the Lord *Baltimore* and the Inhabitants of *Virginia*, concerning the bounds by them respectively claymed, And hath also declared his Intention, with the most convenient speed to settle the government, and other Concernm^{ts} of that plantation, in Such a way as may be for the benefit and security of the Inhabitants, and render it most serviceable to the Common interest, & honour of the Commonwealth, wherein you may receive his Highnes particular determination in due tyme. In the interim his Highnes hath thought fit to signifie to you by his Councell, (as he hereby doth) That the safety, protection and welfare, of that plantation, (as well as the rest) is under his serious thoughts, and Care. And to the intent it may not suffer any Inconvenience by the unfixt^{nes} of the goverm^t His Highnes hath thought fitt to Continue Colonell *Bennet* (of whom his Highnes hath received a good Character) in execution of the place of Govern^r, till his Highnes shall further signifie his pleasure in that behalfe, which you may in probability expect by the next Ships. And till such his further pleasure be declared, his Highnes and the Councell recomend it to you, that the publique peace of the plantation be diligently attended. That Love be cherished, and the great Interest of Religion be owned and Countenanced, whereby you will ingage Gods Care over you, who alone can make yo^r affaires prosperous, and more oblige this State tenderly to improve their oportunities for yo^r protection, and encouragement.

Signed in the Name and by order of his Highnes and the Councell.

He: Lawrence Pr^t.

Whitehall 4th Janu^{ry} 1653 [1653/54.]

[S. P. Domestic Interregnum I. 78, p. 358.]

[Order of the Council of State, dated *December 18, 1657*, in reference to appointment of a Governor of *Virginia*.]*Friday 18th of Decemb^r 1657.*Lord Vice^t *Lisle* in y^e chaire.E. of *Mulgrave*Lo. *fleetwood*S^r *Charles Wolfeley*Lord *Strickland*Maio^r Gen^l *Skippon*M^r *Comptroller*M^r *Secretary*

* * * * *

COLONELL^r *Sydenham* represents from the Committee of the Councell for *Jamaica*, to whom the report from the Committee for his Highness in *America*, concerning *Virginia* was referred, That by the said report, and a paper thereunto annexed, and signed by severall Merchants, tradeing to *Virginia*, the Governm^t of *Virginia* is set forth, to have beene a long tyme unsettled, by reason whereof, and for want of sufficient Commissions and authorities from hence the hopefull improvem^t there receive noe advance, or encouragem^t whereupon the said Committee for *America*, doe propose it as necessary, That some fit person be sent thither by his Highness, as Governo^r and doe nominate M^r *Edward Diggs* in that behalfe, as one that would satisfie all parties and Interests among them, and desire that (the last Ships of this yeare being forthwith to goe away thither) his Highness will at least nominate a Governo^r, that the Country may have Intelligence thereof, and the minds of all concerned, may be the better satisfied. Ordered, That it be offered to his Highness as the advice of the Councell, that his Highness will please to nominate such a person to be Governo^r of *Virginia* as His Highness shall think fit.

[From *Hening's Statutes at Large*, I, 431-432.][Order of the Grand Assembly of *March 1657/58* naming the Governor and Council of *Virginia*.]

Whereas it appeares by act of Assembly held at *James Cittie* in *May, 1652*, That it was agreed vpon and thought best by the then commissioners for the parliament, and the Burgeesses of the then assembly, That the right of election of all officers of this collony should be and appertaine to the Burgeesses, the representatives of the people, *Now know yee*, That wee the present Burgeesses of this Grand Assembly have accordingly constituted and ordained the severall persons vnder written to be the Governour, Councill & commissioners of this country of *Virginia* vntill the next Assembly or vntill the further pleasure of the supream power in *England* shall be knowne.

The Honourable *Samuel Mathewes*, Esq^r,Governour and Captain Generall of *Virginia*.*Richard Bennett*, Esquire.Coll. *Wm. Claiborne*, Secretarie of State.Coll. *John West*,Coll. *Thomas Pettus*,Coll. *William Bernard*,Coll. *Thomas Dew*,Coll. *Obedience Robins*,Capt. *Henry Perrie*,Lev^t. Coll. *John [Walker]*Coll. *George [Reads]*Coll. *Abraham Wood*,Coll. *John Carter*,M^r *War^m. Horfjenden*,Lt. Coll. *Anthony Elliotte*.

These three last not to be sworn vntill the dissolution of the Assembly.

[From

¹ In the margin of the page on which this entry is written, just opposite the first line of the entry, the following appears: "dd [that is, delivered] M^r *Nulley*. 21. concerning *Virginia*."

[From the Public Record Office, *London*. S. P. Domestic, Interregnum I, 78, pp. 817-818.]

[Order of the Council of State, dated *August 31, 1658*, in respect to
Virginia Affairs.]

Tuesday 31. August 1658.

Lord Pref^t *Lawrence*

Lord *Strickland*

Lo: Vice^t *Lisle*

Lo: *Jones*

Lo: *Sydenham*

Lo: *Wolfeley*

Lo: *Disbrow*

Lo: *Fleetwood*

M^r *Secretary*

* * * * *

ON^e reading the humble petition of diverse Merchants, & Planters of his Highness Colony of *Virginia*, shewing the loose, & distracted condition of that Colony, and the inconvenience that may ensue if y^e ships now going should depart without some Declaration concerning the settling of the government there, and praying, that y^e Councils pleasure may be signified to the present Governor, and Council, to apply themselves with all possible Care, & circumspection to the peaceable, & orderly manning of the affaires thereof; as alsoe of the Draught of a Letter prepared according to the Tenor of the said desire. *Ordered*, That a Letter be sent to the present Governor & Council of *Virginia*, to the purport of that now read, The same being as followeth, *viz*^t

Gentlemen^t

His Highness the Lord Protector, from that generall respect, w^{ch} he hath to the good, & safety of all the people of his Dominions, whether in these Nations, or in the *English* Plantations abroad, hath extended his Care to his Colony in *Virginia*; The present Condition, and affaires whereof appearing under some unsettledness through the looseness of the government, The supplying of that defect hath beene taken into serious Consideration, and some resolutions passed in order thereunto; which Wee suppose will be brought into act, soe soone as his Highness (amidst his many great affaires, and concernm^{ts}) shall have an opportunity; In the meane tyme, his Highness Council have thought fit hereby to assure you, that the settlement of that Colony is not neglected, and to let you know, that you may expect shortly to receive a more expresse testimony of his Highness Care in that behalfe; Till the further perfecting whereof, Their Lord^{sh} doe will, and require you, the present Governor & Council there, to apply yo^r selves with all seriousness, faithfulness, & circumspection to the peaceable & orderly manning of the affaires of that Colony, according to such good Lawes, & Customes (not repugnant to the Lawes of *England*, as have beene heretofore used, & exercised among you; improveing yo^r best endeavors, as for maynteyning the civill peace, soe for promoteing the Interest of Religion, wherein you will receive from hence all just Countenance, & encouragement. And if any person shall presume, by any undue wayes to interrupt the quiet, or hazard the safety of his Highness people there, order will be taken (upon the representation of such proceedings) to make further provision, for securing of yo^r peace, in such a way as shall be found meet, & necessary; and for calling those to a strict accompt, who shall endeavor to disturb it.

Signed in y^e Name & by order
of the Council

He: Lawrence Pref^t

Whitehall—

31 Aug: 1658.

[From

¹ In the margin of the page on which this entry appears, opposite the first line, is written the following: "V^e [Vide] y^e lre [letter] foll. concerning the merchants of *Virginia*." The letter referred to does not seem to have been preserved.

² In the margin appears the following: "V^e another Lre Sep. this being vacatted by his H. Death." The letter finally sent is printed on page 115 of this volume.

[Several Orders of the *March* 1660/61 Assembly.]

IN regard that Collonel *Manwaring Hammond* doth not proceed on his voyage by reason of ye Governors Comand imposed on him to the contrary, *It is ordered*, That ye Tobacco allreadie paid shall remain to his use, But that ye order for the Eleaven thousand pounds next yeare be Repealed & made void.

Whereas, *William Irondall* haveing long endeavoured by his Induftry to procure a Subfiftence & being Embarqued with ye p'duce of his Labour for *England*, was (After much p'fonall Valour, shewed in refiftance & losse of his right Arme) taken in ye fight by the *Spaniards*, And being now returned & addreffing himfelfe to this houle for Relief, *They have out of Their Charity thought fitt* to Allowe in ye Publique Levy Annually one thousand pounds of Tobacco & Exempcon from Leavys during Life.

Whereas *Grace Powell* hath complained y^t severall of her husband's creditors have contrary to ye intent of Affembles Charity, who after ye Death of her husband in ye Countries service againft the Indians gave her for her fupport certaine Tobaccos in ye Leavy of *Yorke & New Kent*, taken & deteined from her und'r p'tence of debts due from her husband all ye faid Tobacco fo charitably given, *It is ordered*, that ye Collectors of ye faid Tobacco Either deteining it or paying it, without her order make repaym't of ye fame with cofts.

Ordered that *Bridgett Hooker* in regard to her great age & the service done by her husband to ye Publique be annually allowed out of ye Publique Leavie one thousand pounds of Tobacco.

The difference between *M^r Bennett* & *M^r Langfdale* touching certain troubles, Moleftaçons & damages fufteined by ye faid Mafter *Langfdale* by *M^r Bennett's* means in ye time of his power, *It is ordered*, that ye Caufe is Sufpended till ye Right Hon'ble *S^r Wm. Berkeley* fhall fignify his Majefties further pleafure, the cofts be not awarded before judgement be paffed upon ye Iffue.

Whereas *George Hacke* had formerly a Commiffion of denizacon granted him in the year Sixteen hundred fifty-eight, And hath petitioned in behalfe of himfelfe, his Brother & Children y^t the fame might be renewed to him & Conferred on Them. The Grand Affembly hath thought fitt to grant Confirmation thereof on his & their takeing ye oathes of Allegiance & Sup'macie.

Ordered, That in cafe *Burleigh's* & *Stanton* Ship come in and there be any Surplufage of ye two fhillings after ye Debts of ye Countrey are fatisfied, that ye faid Surplufage fhall be converted to ye purchafing of fome of the Countrey Tobacco debts now layd & Lightning ye Leavie.

¹ These orders fhould have been printed in the volume of the prefent fet of the Journals of the Houfe of Burgefles iffued immediately before this one, but were overlooked by the editor.

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GENERAL INDEX

General Index

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